



**AFRICAN AMERICAN MALE  
ACHIEVEMENT INITIATIVE:  
A CLOSER LOOK AT SUSPENSIONS OF AFRICAN  
AMERICAN MALES IN OUSD**

**OUSD 2010-11**

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# AFRICAN AMERICAN MALE ACHIEVEMENT INITIATIVE: A CLOSER LOOK AT SUSPENSIONS OF AFRICAN AMERICAN MALES IN OUSD

## OUSD 2010-11

### EXECUTIVE SUMMARY

This report, **A Closer Look at Suspensions of African American Males (AAM) in OUSD**, one of three reports<sup>1</sup> that Urban Strategies Council has produced for the African American Male Achievement Initiative based on data from the 2010-11 school year, examines the data, literature, and policy around suspensions of African American male students to uncover and better understand the disparities between this group and all other ethnic and gender groups. This report analyzes one year of suspension data from the Oakland Unified School District (OUSD, 2010-11), looking at suspensions by demographics, grade level, school level, and types of offenses (See Part I). We also look to the literature to illuminate the causal factors driving disparities in suspension and identify a number of recommendations based on this research (See Part II). Finally, we do an extensive analysis of the California Education Code, the OUSD Board Policies, the Oakland Education Association contract, the Voluntary Resolution Plan with the Officer of Civil Rights and the OUSD Parent Guide to understand how policies and practices are contributing to or addressing disparities (See Part III). We also offer a series of recommendations based on our data, literature and policy analysis (See Part IV). We conclude the report with recommendations for further study (See Part V).

### Major Findings from the Data Analyses

1. While African American boys comprised 17% of the OUSD student population in 2010-11, they comprised 42% of students suspended (pp. 18-19).
2. Nearly one in ten African American boys in elementary school, one in three in middle school, and one in five in high school were suspended in 2010-11 (pp. 19-21).

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<sup>1</sup> The other two reports are *A Deeper Look at African American Males in OUSD* and *A Closer Look at Attendance of African American Males in OUSD*.

3. The disparities in suspension rates between African American boys and their White male peers have not changed over the past six school years (pp. 21-22).
4. While 11 elementary schools<sup>2</sup> reported no suspensions of African American boys in 2010-11, the lowest suspension rate for African American males in a middle school was 16%, and just two high schools had suspension rates significantly lower than the overall suspension rate of 22% for African American males in high school (pp. 22-26).
5. Three suspension offenses – disruption-defiance of authority (38%), causing-attempting-threatening injury (28%), and obscenity-profanity-vulgarity (9%) – accounted for 75% of suspensions of African American boys (pp. 32-39).
6. For those African American students with multiple suspensions, 44% were suspended *solely* for defying authority, whereas 28% had suspensions for defying authority and threatening or causing injury. Twenty percent had suspensions solely for threatening or causing injury, and 8% had neither offense in their offense history in 2010-11 (pp. 39-42).
7. African American male students were suspended for a combined total of 5,869 days in 2010-2011, representing an Average Daily Attendance (ADA) financial loss of approximately \$160,000 to the district (pp. 43-44).
8. African American males with multiple suspensions were less likely to be proficient or higher in English Language Arts or Math than their peers with no suspensions or a single suspension (pp. 44-45).

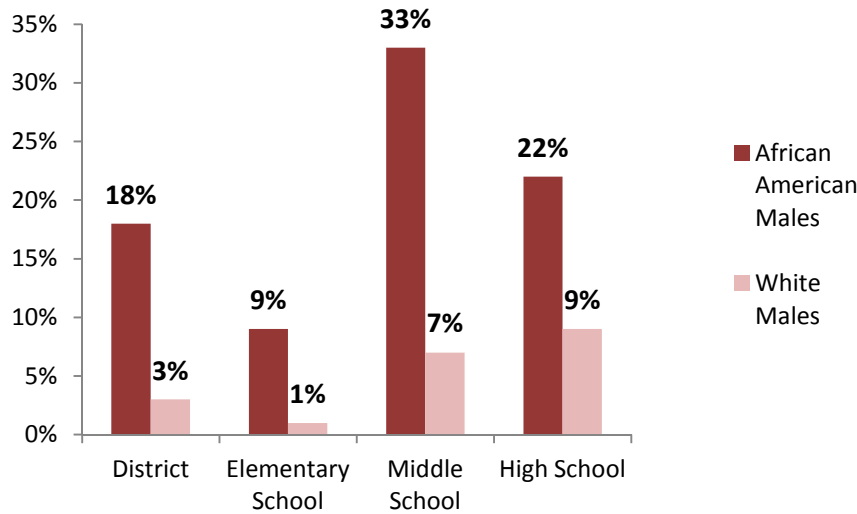
### **Disproportionate Suspensions for African American Males**

African American males were suspended at a rate more than six times the rate for white males across the district. In Elementary schools this ratio was closer to nine times higher while in high schools the rate was slightly over double the rate for white males.

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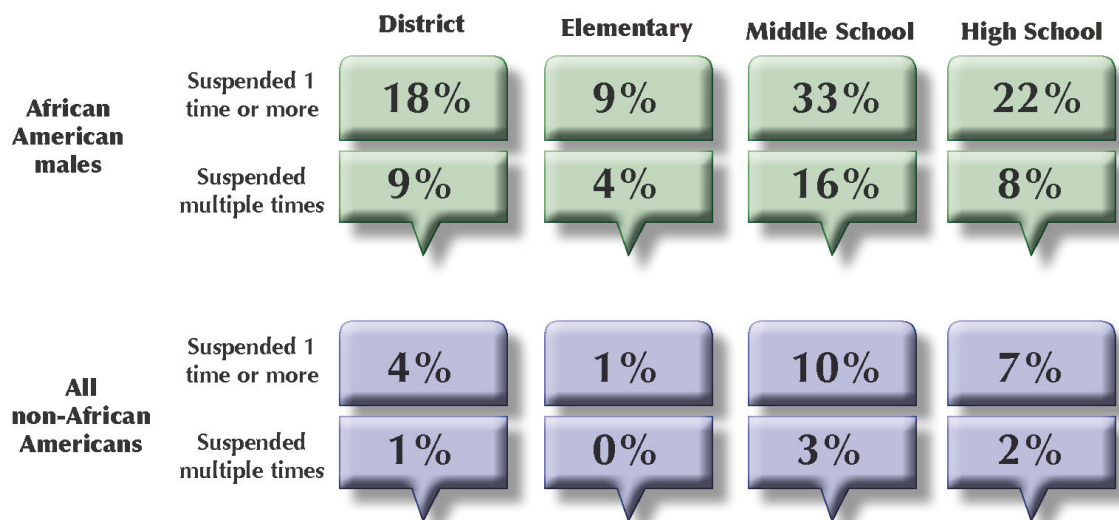
<sup>2</sup> Only schools with 20 or more African American male students were included in this analysis.

## OUSD Suspension Rates 2010-2011



### Multiple Suspensions

While 18% of African American males were suspended, half of these students were suspended multiple times throughout the school year. This ratio was present in all school levels while for non-African American students the ratio of single to multiple suspensions was less than one in three.

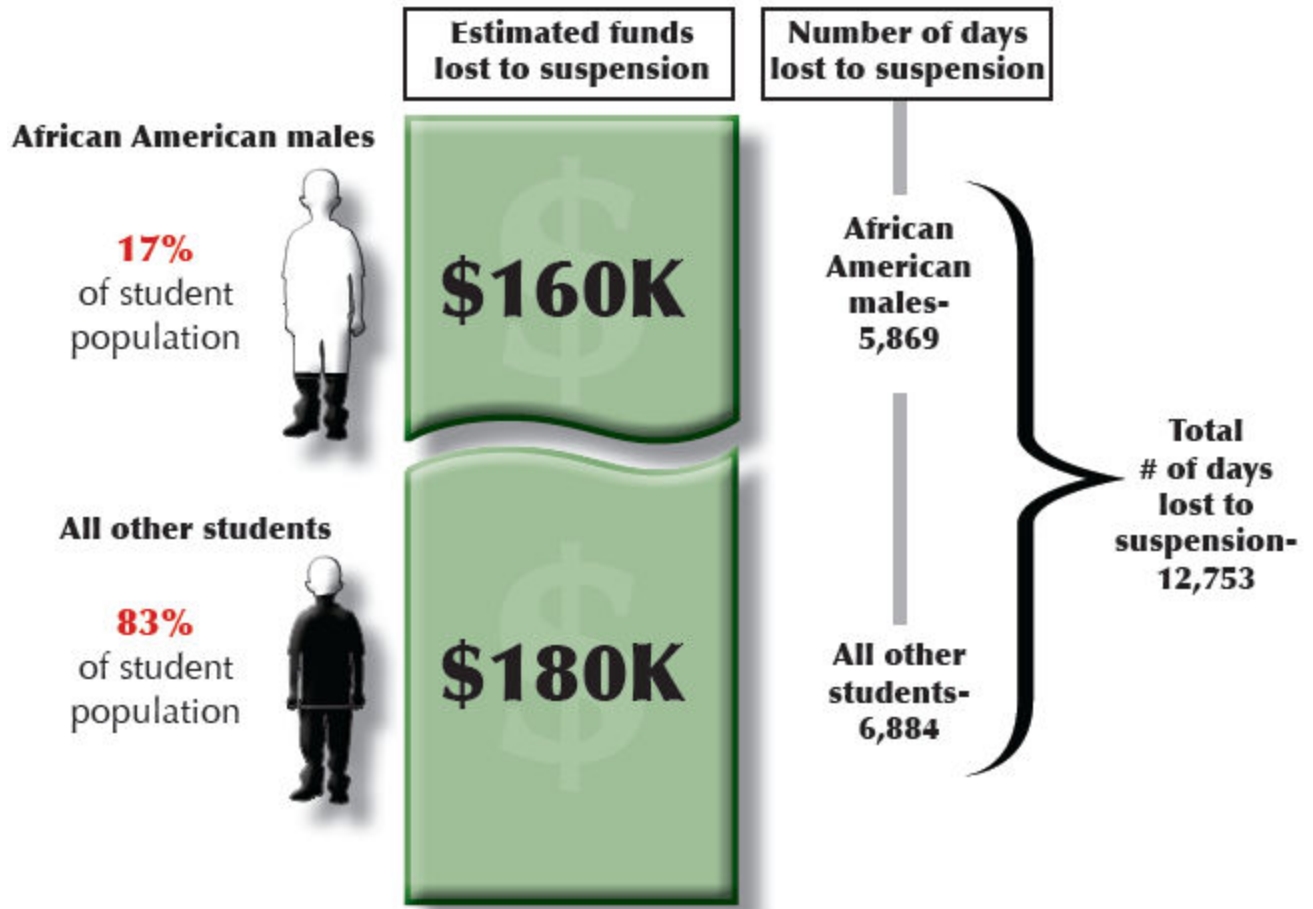




## **The Cost of Suspension**

African American male students were suspended for a combined total of 5,869 days in 2010-2011, representing an estimated Average Daily Attendance (ADA) financial loss of approximately \$160,000 to the district.

# OUSD 2010-2011 Suspension Costs



## The Top Reasons for Suspension

African American male students were suspended for three main reasons: disruption-defiance of authority (a highly subjective reason), causing or threatening injury and for profanity-vulgarity. Of all African American male suspensions, 11% were for disruption-defiance compared to just 3% for all other students.

| Top Reasons for Suspension |                            |                             |                     |
|----------------------------|----------------------------|-----------------------------|---------------------|
|                            | Disrupted-Defied Authority | Caused or Threatened Injury | Obscenity-Vulgarity |
| African American Males     | 11%                        | 10%                         | 3%                  |
| All Other Students         | 3%                         | 2%                          | 1%                  |

## Summary of Literature on Disparities in Suspensions of African American Males

We looked at literature examining disparities in suspensions and organized the causal explanations into three categories: 1) structural explanations suggesting causality sources in the environment of the school and culture surrounding the students, 2) explanations that suggest that African American males behave differently from other students, and 3) explanations that suggests that biases lead African American males to be treated differently than their peers and thus targeted for suspensions (See Part II and Appendix A).

### 1. Structural explanations (pp.46-47)

- a. Some argue that the achievement gap experienced by many poor children leads to less engaging curriculum which can lead students to act out from lack of stimulation and interest.<sup>i</sup>
- b. Suspensions further hinder achievement as students miss valuable class time, creating a negative cycle<sup>ii</sup>.

### 2. Treatment Explanations (p.47)

- a. Black students are more likely to receive disciplinary referrals for subjective offenses such as defiance, disrespect, threat, or excessive noise compared to White students who are referred for more objective offenses such as smoking, vandalism, or leaving without permission.<sup>iii</sup>

- b. Stereotypes of African American males can lead to perceptions of them as more threatening, leading to misinterpretation of behaviors.<sup>iv</sup>
- c. Research consistently shows extreme disproportionality in suspensions for defiance of authority, suggesting that a dynamic in the classroom or classroom management needs to be addressed.<sup>v</sup>

### **3. Behavioral Explanations (pp. 47-48)**

- a. Exposure to violence leads to anxiety, irritability, and stress which can lead to negative behaviors that precede disciplinary action.<sup>vi</sup>
- b. Victims or witnesses of violence are more likely to commit violence.<sup>vii</sup>

## **Major Findings from the Policy Analysis**

We conducted a policy analysis focused on the three offenses which the data revealed contributed most to the high rate and disparities in suspensions for African American males including Disruption-Defiance of Authority (599 or 39% of African American male suspensions), Caused-Attempted-Threatened Injury (445 or 29% of African American male suspensions) and Obscene Act-Profanity-Vulgarity (139 or 9% of African American male suspensions). In total, these offenses accounted for 75% of the suspensions of African American boys in OUSD in 2010-11 (See Part III).

In addition to examining OUSD discipline policies and administrative regulations, we also reviewed California Education Code provisions related to students discipline, the collective bargaining agreement between OUSD and the Oakland Education Association, the OUSD parent Handbook and the 1999 Voluntary Resolution Agreement between OUSD and the U.S. Department of Education's Office of Civil Rights.

### **Key findings of the policy analysis include the following:**

1. The leading offenses for African American male suspensions all involve a cluster of offenses making it difficult to determine the underlying behaviors leading to suspensions (pp. 49-53).
2. Each of the focus offenses lacks clear definitions of the prohibited conduct (pp. 49-53).
3. Under the Education Code and OUSD policy, both disruption-defiance and profane-vulgar acts require prior corrective action before use of suspension (pp. 53-55).
4. The Voluntary resolutions Plan (VRP) established a standard for repetition of misconduct and corrective action at two incidents prior to consideration of suspension (pp. 55-56).
5. Both the Education Code and OUSD policy provide lists of corrective actions and alternatives to suspension (pp. 56-59).

6. The Education Code requires supervised suspension programs for schools with suspension rates exceeding 30%. Seven schools in OUSD had suspension rates over 30%; 17 had suspension rates of **African American males** over 30% (pp. 59-61).
7. OUSD has adopted several policies which could be tools for reducing disparities in suspension, including Restorative Justice, non-support of zero tolerance and alternatives to suspensions (pp. 62-64).
8. While OUSD regulations set a good foundation for broad community participation in school site discipline rule making, they contradict the participatory values by including only administrative and teacher representatives as the sole decision makers regarding site level rules. Additionally, the requirement that rules only be reviewed every four years seems too prolonged a period in order to effectively address strategies and plans for improving student behavior and reducing suspension and disparities (p. 64).
9. District hearing procedures for suspensions are consistent with the state Education Code as are all of the OUSD policies we reviewed (pp. 64-67).

## Recommendations

In Part IV of the report we present our recommendations to OUSD. In the first sub-section (A) we present our specific recommendations for reducing and/or eliminating the disparities in suspensions for African American males. In the second sub-section (B), we present recommendations for improving the fairness and effectiveness of student discipline generally (p.72). Finally, Appendix B contains the recommendations we derived from our literature review.

### 1. Voluntary Resolution Plan (p.68)

- a. Review and re-adopt critical elements of the Voluntary Resolution Plan's framework for reducing disparities.

### 2. Accountability and Standards (p.69)

- a. Adopt school level and district-wide goals for suspension rates and racial disparities.
- b. Hold school sites that exceed the standards accountable for developing annual targets and plans for reducing their rates and disparities to district standards.

### 3. Process (p.69-70)

- a. Select some of the proposed Voluntary School Study Teams to focus on reducing suspension disparities for African American males.

- b. Utilize the site discipline committees as a vehicle for addressing disparities in suspensions at the site level.
- c. Create an intervention team to assist schools in identifying and implementing prevention and corrective actions for the focus offenses.

#### **4. Policy (pp.70-71)**

- a. Develop a student handbook or portions of it which sets forth behavioral rules, expectations, corrective and disciplinary actions and procedures for the focus offenses in language understandable to students and parents.

#### **5. Record Keeping and Data Analysis (p. 71)**

- a. Adapt the district record keeping and reporting system to record the specific conduct leading to suspension for the three offenses contributing most substantially to suspensions for African American males.
- b. Require data collection on referrals of students for the target offenses including information on what corrective actions or alternatives to suspension were imposed.
- c. Require Reporting of Classroom Suspensions.

#### **6. Interventions and Alternatives (pp.71-72)**

- a. Implement a process for expanding the array of effective prevention and intervention actions not involving removals.
- b. Create a balance in the prevention and intervention strategies and programs that reflects the possible causal explanations for racial disparities in suspensions.

#### **7. Offense Focus (p. 72)**

- a. Target offenses contributing to disparities.
- b. Align and focus special programs to address the disparities in suspensions for African American males.

## INTRODUCTION

Oakland Unified School District (OUSD), in partnership with Urban Strategies Council, Partners in School Innovation and the East Bay Community Foundation, launched the ambitious African American Male Achievement Initiative (AAMAI) in late 2010. The AAMAI aims to reverse the academic and social inequities facing African American males (AAM) in Oakland in seven key areas: the achievement gap, graduation rates, literacy, suspensions, attendance, middle school holding power, and juvenile detention.

Urban Strategies Council's role in AAMAI has been:

- Data analysis, indicator development and tracking, and quantification of targets in the seven goal areas
- Research into strategies to improve outcomes for African American boys and eliminate disparities
- Policy analysis
- Special research projects, including this report

Our analysis of indicators in the seven goal areas brings to light the dire situation of African American boys in OUSD. Generating effective strategies for changing outcomes in these seven areas, however, requires a more nuanced understanding of the situation of Black boys in the District. Knowing that 33% of African American male middle school students were suspended and that 18% were chronically absent in 2010-11 does not tell us what percentage of these boys are having trouble in both areas, nor does it tell us about those African American boys who are doing well.

The current report, ***A Closer Look at Suspensions for African American Males in OUSD*** examines the data and policies related to suspensions and offers recommendations for reducing the levels and disparities in suspensions for African American males in OUSD. This is one of three reports Urban Strategies is producing using 2010-11 school year data on African American male students in OUSD. The other two reports are:

1. **A Deeper Look at African American Males in OUSD** examines African American males who are on course for graduation, at risk of being off course for graduation and off course for graduation and identifies the risk factor for non-graduation.
2. **A Closer Look at Chronic Absence for African American Males in OUSD** examines the data and policies related to attendance and chronic absence and offers recommendations for reducing the levels of chronic absence for African American males in OUSD.

## Why is research on suspensions important?

School discipline policies are intended to ensure productive, safe learning environments. However, there is little evidence that suspension and expulsion are effective in reducing school violence or increasing school safety<sup>viii</sup>. Rather, when students are removed from school, their learning is severely disrupted through loss of instructional time, often increasing alienation from school. Disciplinary policies often cause students to spend far too many days outside the school for behavioral infractions which can lead to lower academic achievement and increased high school dropout.<sup>ix</sup> The high and disproportionate suspension rates experienced by African American students mean that they are being removed from the opportunity to learn at a much higher rate than their peers<sup>x</sup>. Broad application of policies has resulted in few benefits to students or the school community. Suspension and expulsion as interventions are inadequate unless they are coupled with teaching and encouraging replacement behaviors<sup>xi</sup>. There is evidence that students who are suspended in middle school are particularly likely to drop out and to become involved with the juvenile justice system<sup>xii</sup>.

## QUESTIONS GUIDING THIS REPORT

A series of questions guide this report in three sections: the data analysis section, the literature review, and the policy analysis.

Our **data analysis** focused on answering the following questions:

1. What is the extent of the disparity in suspensions of African American boys, and how does it differ by school level and grade level?
2. Have the levels of disparities changed over the past several years? If so, what have been the changes?
3. Are there specific schools which have exceptionally high or low rates of suspension for African American males?
4. Are there geographical areas with higher rates of suspensions?
5. What offenses account for the majority of suspensions of African American male students?
6. What are the patterns of offenses for African American male students with multiple suspensions and what are their academic achievement levels?
7. What was the economic impact to OUSD of the days of instruction lost by African American males due to suspensions?
8. What is the relationship between suspensions and academic performance for African American males?



Our ***literature review*** addressed the following questions about the causes of disparities in suspensions of African American males:

1. What does the literature suggest are the reasons for racial disparities in suspensions?
2. What does the literature suggest as strategies for reducing or eliminating those disparities?

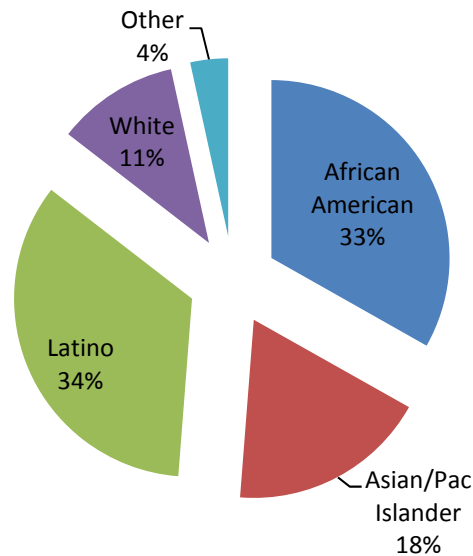
Our ***policy analysis*** focused on the following questions:

1. How are the focus offenses defined and how could state and local policy be contributing to disparities?
2. What corrective actions, disciplinary actions, or alternatives to suspension are available or required for the focus offenses?
3. What are Education Code provisions for schools with high suspension rates?
4. What current OUSD policies address disparities in suspensions for African American males?
5. What current OUSD procedures may be contributing to disparities in suspensions for African American males?

## PART I: ANALYSIS OF SUSPENSION DATA FOR AFRICAN AMERICAN MALES IN OUSD

In this section of the report, we examine the data on suspensions of African American male students compared to other students to better understand the patterns and sources of disparities. In the 2010-11 school year, 6,415 African American boys were enrolled in OUSD, accounting for 33% of male students and 17% of all 37,527 students enrolled in the District. By comparison, there were 3,498 Asian/Pacific Islander male students (18% of males), 6,624 Latino male students (34% of males), 514 male students indicated as having multiple ethnicities (3% of males), 152 Native American male students (1% of males), and 2,145 White male students (11% of males) (see **Figure 1**).

**Figure 1: Ethnicities of Male Students in OUSD**



### Cautionary Note: The Limitations of Examining Suspensions

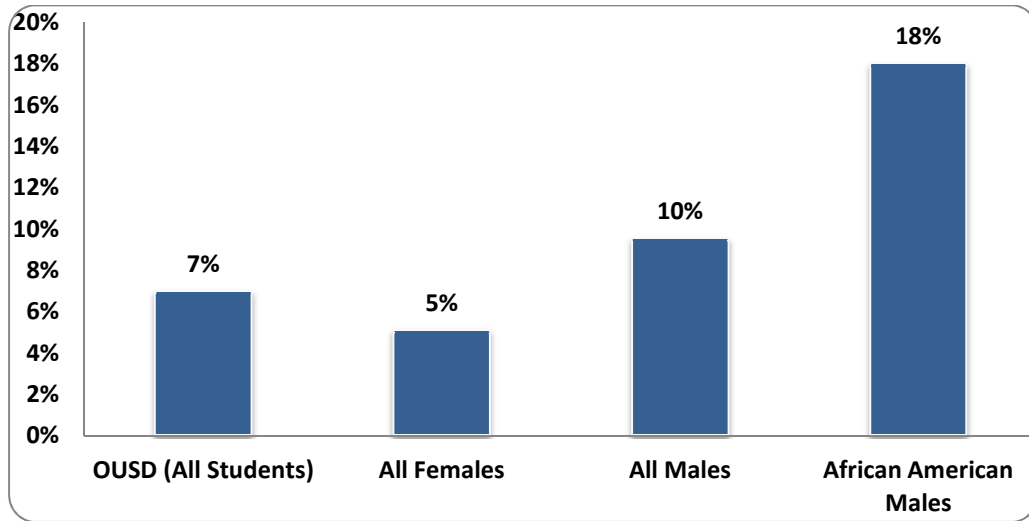
As important as suspensions are to understanding students' experience at school, they give us a picture of just one piece of the spectrum of a school or district's discipline practices. This analysis does not include data on other critical elements including school-wide practices to create and maintain a positive behavioral climate; referrals to administrators (e.g. sending students "to the office"); disciplinary actions short of suspension or imposed as alternatives to suspension; classroom suspensions; interventions by teachers, administrators, counselors, or others to address and improve student behavior; or expulsions.

**A. What is the extent of the disparity in suspensions of African American boys, and how does it differ by school level and grade level?**

In 2010-11, 18% of all African American male students in OUSD were suspended once or more, compared to 7% of all OUSD students, 5% of all girls, and 10% of all boys.

boys are more suspended than girls. African American boys are more suspended than all other students on campus.

**Figure 2: Percentage of Students in All Grades Suspended Once or More, 2010-11**



**Table 1: Number of Students Suspended Once or More, 2010-11**

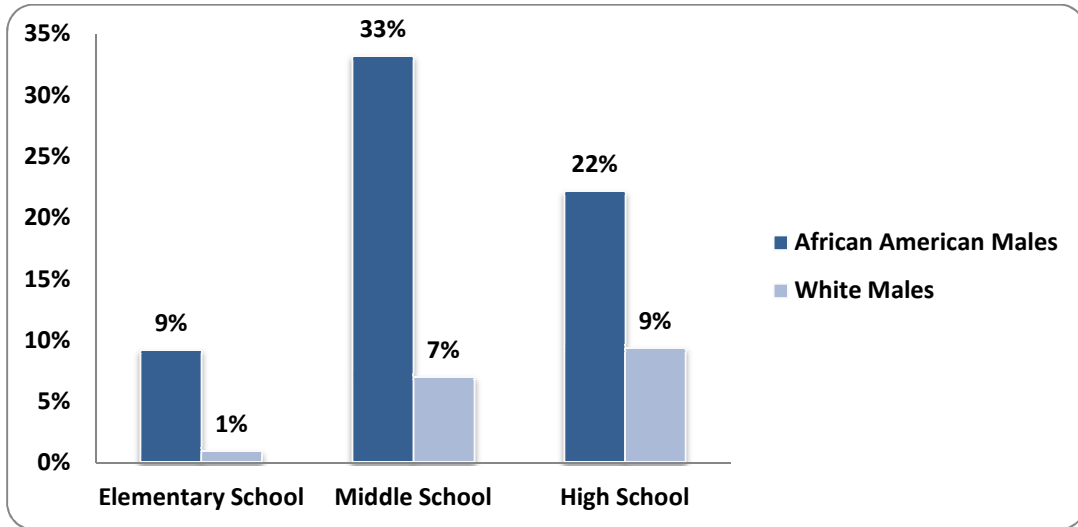
| Suspended Once or More       |       |
|------------------------------|-------|
| Total                        | 2,766 |
| African American Males (AAM) | 1,150 |
| All Males                    | 465   |
| All Females                  | 321   |
| All Students                 | 71    |
| Total                        | 6,415 |

African American boys of OUSD accounted for 41% of all students suspended once or more in 2010-11.

In OUSD, 2,766 students were suspended once or more in 2010-11, and 1,150 of those students were African American boys.

The disparity in suspensions is particularly pronounced when we compare African American males to White males, as in Figure 3, below.

**Figure 3: Percentage of Students Suspended Once or More, by School Type, 2010-11<sup>3</sup>**



While the suspension rate for African American boys in elementary school was lower than any other level, nearly one in ten (9%) were suspended in 2010-11, compared to 1% of White boys.

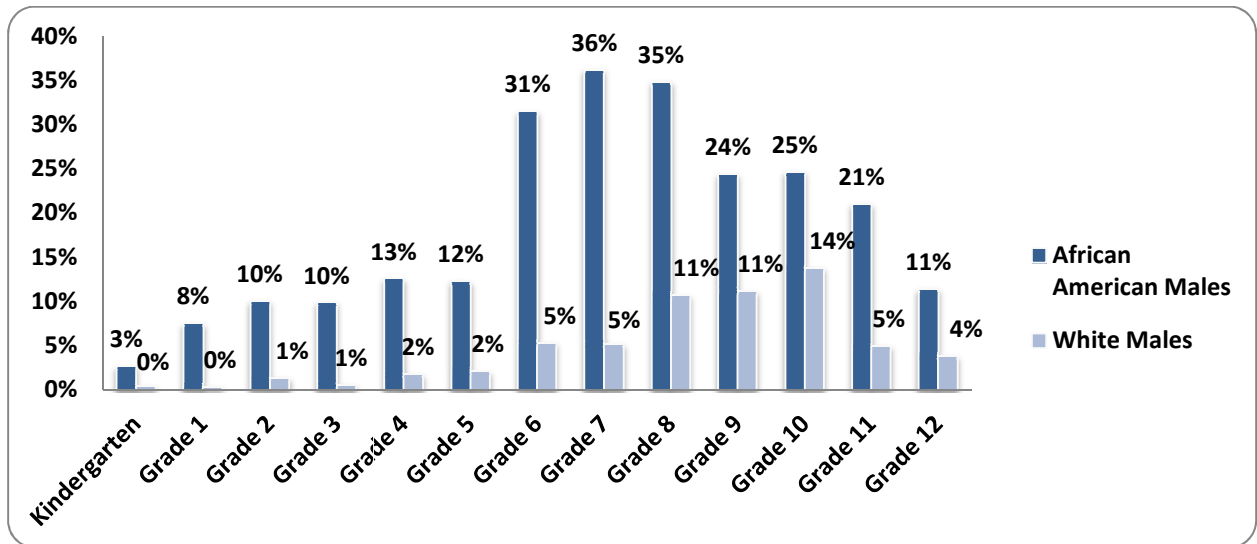
- Roughly one-third of African American boys in middle school (33%) were suspended once or more in 2010-11, compared to 7% of White boys.
- More than one in five (22%) African American male high school students were suspended in 2010-11, compared to 9% of White male high school students.

**Nearly one in ten** African American boys in elementary school, **one in three** in middle school, and **one in five** in high school were suspended in 2010-11.

<sup>3</sup> **OUSD Enrollment by School Level: 2010-11**

|             | African American Males | White Males |
|-------------|------------------------|-------------|
| Grades K-5  | 3,196                  | 1,532       |
| Grades 6-8  | 1,457                  | 313         |
| Grades 9-12 | 1,762                  | 300         |

Figure 4: Percentage of Students Suspended Once or More, by Grade Level, 2010-11



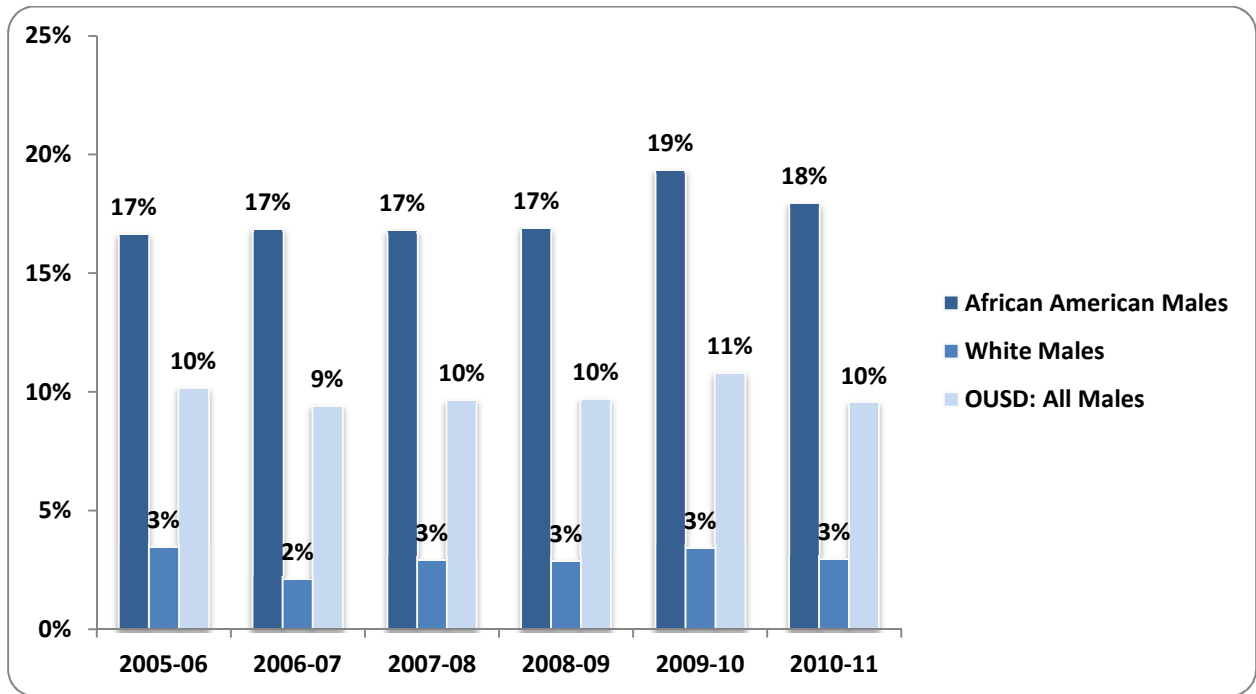
- At every grade level, African American boys were suspended at higher rates than White boys in 2010-11 – in several grades they were six to ten times more likely to be suspended than their White peers.
- African American boys in grades 6, 7, and 8 were suspended at the highest rates, followed by African American males in grades 9, 10, and 11.

7<sup>th</sup> grade, AM were suspended at a rate seven times that of white male students.

**B. Have the levels of disparities changed over the past several years? If so, what have been the changes?**

Over the past six school years, there has been little change in the suspension rates for African American males, White males, or all males in OUSD combined.

Figure 5: Percentage of Male Students in Grades K-12 Suspended Once or More, 2005-06 through 2010-11



- The percentage of African American male students suspended once or more has remained steady, between 17-19% from 2005-06 to 2010-11.
- The suspension rate for African American males was between five and eight times that for White males in each of those years.
- The disparity between African American males and White male suspension rates remained about the same for the six-year period, ranging from a 14 to 16 percentage point difference.

**C. Are there specific schools which have exceptionally high or low rates of suspension for African American males?**

*This analysis of school-level data includes OUSD schools that had at least 20 African American male students in 2010-11. Schools with fewer than 20 African American male students were excluded to protect student privacy, and because small numbers produce unstable rates.*

## Elementary Schools

According to data from 2010-11, 9% of African American boys in elementary school were suspended once or more.

Eleven elementary schools reported **no suspensions of AAM** in 2010-11, and 20 had suspension rates for AAM of 3% or less.

The following elementary schools had suspension rates of African American boys that not only were significantly lower than the overall elementary school rate of 9%, but were below the district-wide goal of no more than 3% of students suspended:

**Table 2: Elementary Schools with Lower-Than-Average<sup>4</sup> Suspension Rates for African American Boys, 2010-11**

| Elementary School          | AAM Enrollment | Total Enrollment | Percentage of AAM Suspended | Percentage of Non-African American Students Suspended | Overall Suspension Rate |
|----------------------------|----------------|------------------|-----------------------------|---|-------------------------|
| Piedmont Avenue Elementary | 127            | 363              | 0%                          | 1%  | 0%                      |
| Lakeview Elementary        | 109            | 299              | 0%                          | 0%  | 0%                      |
| Sequoia Elementary         | 61             | 384              | 0%                          | 0%  | 1%                      |
| Franklin Elementary        | 56             | 771              | 0%                          | 0%  | 0%                      |
| Redwood Heights Elementary | 37             | 347              | 0%                          | 0%  | 0%                      |
| Cleveland Elementary       | 34             | 357              | 0%                          | 0%  | 0%                      |
| Fred T. Korematsu          | 32             | 331              | 0%                          | 0%  | 0%                      |
| Montclair Elementary       | 30             | 436              | 0%                          | 0%  | 0%                      |
| Joaquin Miller Elementary  | 29             | 363              | 0%                          | 0%  | 1%                      |
| Peralta Elementary         | 24             | 304              | 0%                          | 0%  | 0%                      |
| Thornhill Elementary       | 22             | 376              | 0%                          | 0%  | 0%                      |
| Bella Vista Elementary     | 64             | 572              | 2%                          | 0%  | 0%                      |
| Carl Munck Elementary      | 112            | 336              | 2%                          | 0%  | 1%                      |
| Glenview Elementary        | 55             | 439              | 2%                          | 0%  | 0%                      |
| Kaiser Elementary          | 54             | 255              | 2%                          | 0%  | 0%                      |
| Sobrante Park Elementary   | 44             | 237              | 2%                          | 1%  | 1%                      |

<sup>4</sup> These differences all were statistically significant:  $p < 0.05$

| Elementary School                  | AAM Enrollment | Total Enrollment | Percentage of AAM Suspended | Percentage of Non-African American Students Suspended | Overall Suspension Rate |
|------------------------------------|----------------|------------------|-----------------------------|---|-------------------------|
| Learning Without Limits Elementary | 42             | 378              | 2%                          | 1%  | 1%                      |
| Santa Fe Elementary                | 100            | 237              | 3%                          | 2%  | 2%                      |
| Burckhalter Elementary             | 66             | 184              | 3%                          | 0%  | 1%                      |
| Marshall Elementary                | 65             | 198              | 3%                          | 3%  | 4%                      |

The following elementary schools had suspension rates of African American boys that were significantly higher than the overall elementary school rate of 9%:

**Table 3: Elementary Schools with Higher-Than-Average<sup>5</sup> Suspension Rates for African American Boys, 2010-11**

| Elementary School             | AAM Enrollment | Total Enrollment | Percentage of AAM Suspended | Percentage of Non-African American Students Suspended | Overall Suspension Rate |
|-------------------------------|----------------|------------------|-----------------------------|---|-------------------------|
| Markham Elementary            | 100            | 405              | 22%                         | 2%  | 8%                      |
| EnCompass Academy             | 27             | 260              | 22%                         | 3%  | 6%                      |
| East Oakland PRIDE Elementary | 65             | 501              | 23%                         | 2%  | 6%                      |
| Reach Academy                 | 76             | 294              | 26%                         | 3%  | 9%                      |
| Maxwell Park Elementary       | 82             | 251              | 27%                         | 6%  | 13%                     |
| Futures Elementary            | 66             | 312              | 29%                         | 7%  | 12%                     |
| Manzanita Community School    | 41             | 287              | 34%                         | 4%  | 9%                      |
| Lafayette Elementary          | 103            | 315              | 35%                         | 6%  | 17%                     |

## Middle Schools

According to data from 2010-11, 33% of African American boys in middle school were suspended once or more.

<sup>5</sup> These differences all were statistically significant:  $p < 0.05$



There were no middle schools with suspension rates below 16% for African American boys (almost five times higher than the goal of no more than 3%). The following middle schools had suspension rates for African American boys that were significantly lower than the overall rate for middle school of 33%:

No middle schools reported suspension rates for AAM below 16% in 2010-11.

**Table 4: Middle Schools with Lower-Than-Average<sup>6</sup> Suspension Rates for African American Boys, 2010-11**

| Middle School                      | AAM Enrollment | Total Enrollment | Percentage of AAM Suspended | Percentage of Non-African American Students Suspended | Overall Suspension Rate |
|------------------------------------|----------------|------------------|-----------------------------|---|-------------------------|
| <b>James Madison Middle School</b> | 39             | 312              | 16%                         | 9%  | 9%                      |
| <b>Elmhurst Community Prep</b>     | 53             | 344              | 19%                         | 8%  | 11%                     |

The following middle schools had suspension rates of African American boys that were significantly higher than the overall rate in middle school of 33%:

**Table 5: Middle Schools with Higher-Than-Average<sup>7</sup> Suspension Rates for African American Boys, 2010-11**

| Middle School                     | AAM Enrollment | Total Enrollment | Percentage of AAM Suspended | Percentage of Non-African American Students Suspended | Overall Suspension Rate |
|-----------------------------------|----------------|------------------|-----------------------------|---|-------------------------|
| <b>Claremont Middle School</b>    | 163            | 441              | 49%                         | 13%   | 30%                     |
| <b>Alliance Academy</b>           | 38             | 357              | 55%                         | 13%   | 18%                     |
| <b>West Oakland Middle School</b> | 68             | 171              | 60%                         | 20%   | 44%                     |

## High Schools

According to data from 2010-11, 22% of African American boys in high school were suspended once or more.

<sup>6</sup> These differences all were statistically significant:  $p < 0.05$

<sup>7</sup> These differences all were statistically significant:  $p < 0.05$

The following high schools had suspension rates of African American boys that were significantly lower than the overall rate in high school of 22%:

**Table 6: High Schools with Lower-Than-Average<sup>8</sup> Suspension Rates for African American Boys, 2010-11**

| High School                   | AAM Enrollment | Total Enrollment | Percentage of AAM Suspended | Percentage of Non-African American Students Suspended | Overall Suspension Rate |
|-------------------------------|----------------|------------------|-----------------------------|---|-------------------------|
| Gateway To College            | 29             | 134              | 3%                          | 0%  | 2%                      |
| Oakland Technical High School | 354            | 1,745            | 13%                         | 3%  | 7%                      |

The following high school had a suspension rate of African American boys that was significantly higher than the overall rate in high school of 22%:

**Table 7: High School with Higher-Than-Average<sup>9</sup> Suspension Rate for African American Boys, 2010-11**

| High School                  | AAM Enrollment | Total Enrollment | Percentage of AAM Suspended | Percentage of Non-African American Students Suspended | Overall Suspension Rate |
|------------------------------|----------------|------------------|-----------------------------|---|-------------------------|
| Business Information Tech HS | 43             | 273              | 51%                         | 26%   | 31%                     |

#### D. Are there geographical areas with higher rates of suspensions?

As with most social phenomena, the pattern of suspensions among African American males varies across our city. There are schools with high levels of suspensions located in neighborhoods where most students who live there do not have similarly high rates of suspension. The following four maps show the geographical distribution of schools and students with different rates of suspensions.

Figure 6 shows the percent of *African American male* students suspended in each school. A larger school symbol represents a school with higher suspension rates, and the school color indicates the type of school--elementary, middle or high. There are

<sup>8</sup> These differences all were statistically significant:  $p < 0.05$

<sup>9</sup> These differences all were statistically significant:  $p < 0.05$

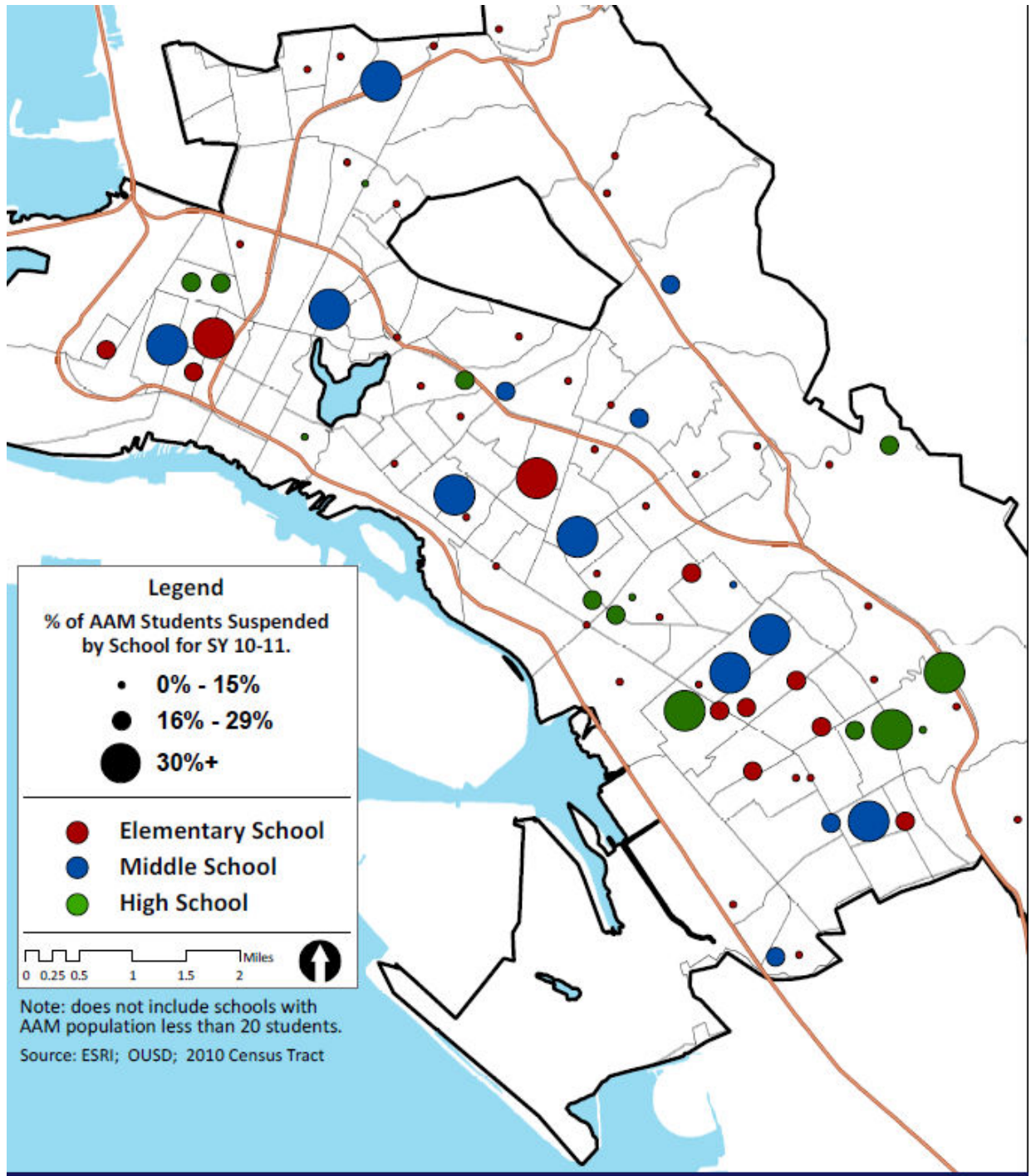
several schools across the city with suspension rates over 30% for African American males, and these schools are located in neighborhoods with higher populations of African Americans. Of note, it is only in East Oakland that high schools have higher rates of African American male suspension whereas the elementary schools in East Oakland are all among the schools with lower rates of suspension for African American males.

The following map in Figure 7 shows the suspension rates for all students at each school and the symbol sizes indicate the same levels as the map showing just African American male suspensions. Not surprisingly there are no schools with overall suspension rates as high as those for just African American males. There are no elementary schools that rank in the middle or higher levels of suspension for students overall. Again, there are only two high schools in deep East Oakland with very high rates overall while the two highest rates for middle schools are in West and North Oakland.

The next two maps in Figures 8 and 9 show the rate of suspension for every census tract in the city. A higher rate indicates that more students were suspended in that neighborhood and the tract will be shaded a darker color. These maps represent the home addresses of each student and can be used together with the school rate maps to examine the variation between suspension rates of a neighborhood school with the suspension rate of the students who live in the neighborhood. When we consider the rates of suspension for African American males there are tracts with high rates across most, but not all, of the flatland neighborhoods. In East Oakland, many tracts have over 20% African American male students being suspended yet there are adjoining neighborhoods where the rate is below 5%. Given the similarities in ethnicity, poverty levels, parent education and employment in those neighborhoods, there should be no systematic reason why two neighborhoods have such vastly different levels of suspension among essentially the same student population.

The same neighborhoods are shown in Figure 9 with the rate of suspension for all students in OUSD. The same patterns are represented, only the rates are significantly lower with no tracts having an overall suspension rate above 20%. West Oakland has a noticeably higher suspension rate than the rest of the city.

Figure 6: Percentage of OUSD African American Males Suspended in 2010-11 by School Type and Location



Percentage of African American Male Students Suspended By School in 2010-11 for Oakland Unified School District

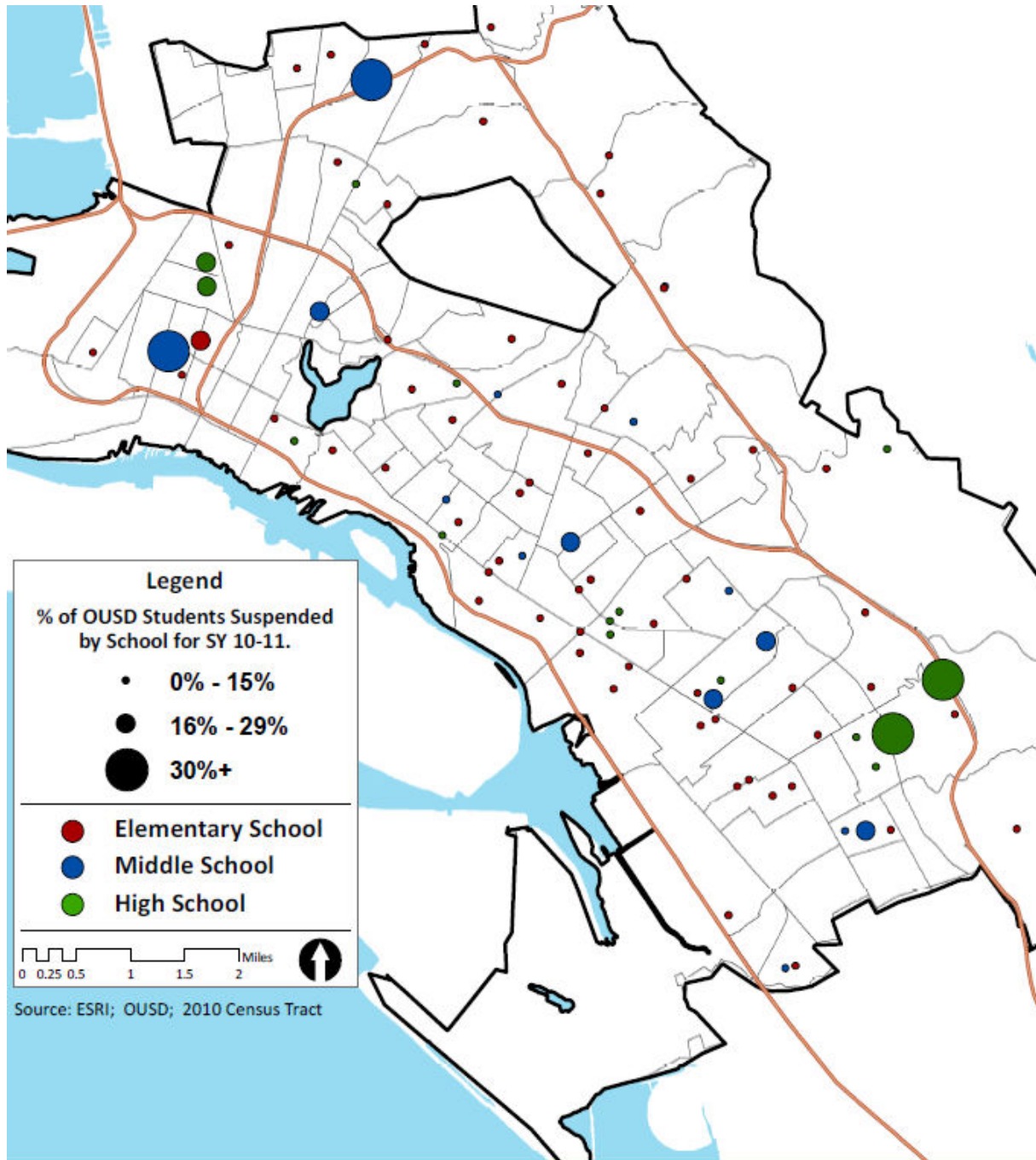


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Figure 7: Percentage of All OUSD Students Suspended in 2010-11 by School Type and Location



Percentage of OUSD Students Suspended  
 By School in 2010-11 for Oakland Unified School District



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Figure 8: Percentage of OUSD African American Male Students Suspended in 2010-11 by Census Tract

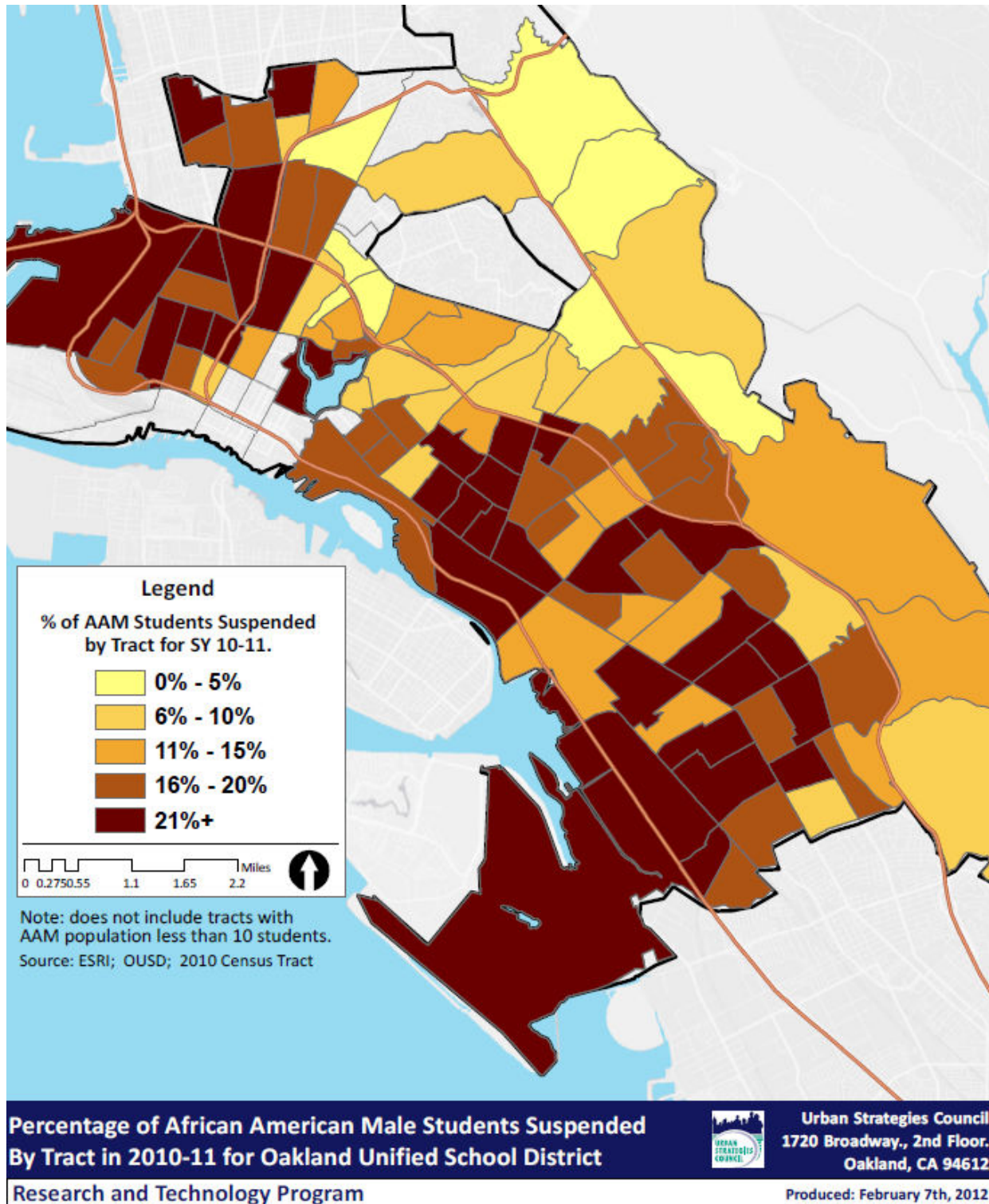
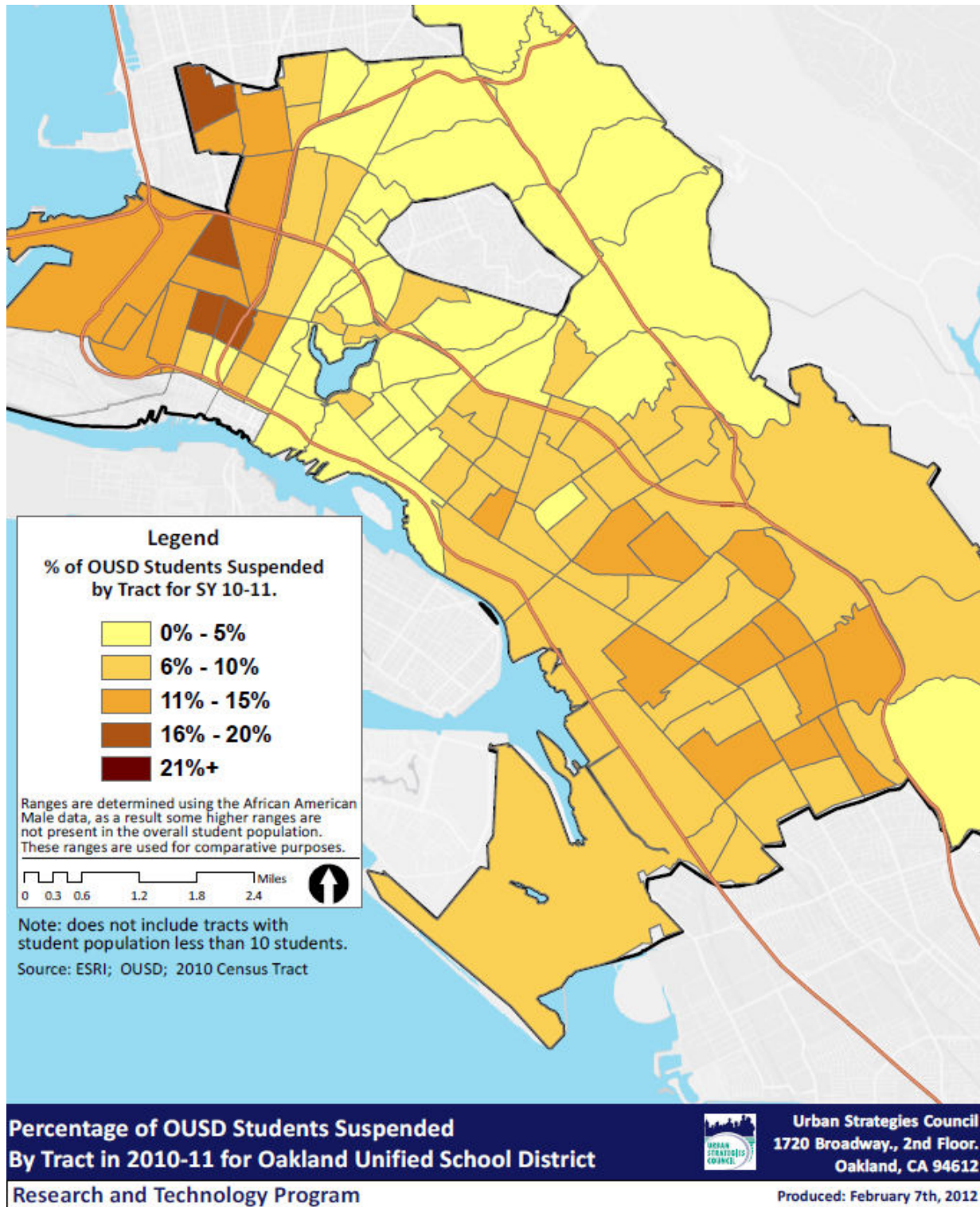


Figure 9: Percentage of All OUSD Students Suspended in 2010-11 by Census Tract



## E. What offenses account for the majority of suspensions of African American male students?

### Offenses Leading to Suspensions

In 2010-11, the three leading offenses resulting in suspensions for students in OUSD, including African American males, were: Disruption/defy authority; Caused/attempted/threatened injury; and Obscene Act/Profanity/Vulgarity. However, the percentage of African American boys suspended for offenses in these categories is highly disproportionate to their proportion of the overall population. (See Table 8 in Appendix D for the percentages of African American boys suspended for every offense covered by the district code of conduct, by school type.)

Figure 10 below shows the proportion of African American male students and non-African American students suspended for each offense one or more times.

#### **Main causes of suspensions of AAM:**

1. Disruption/defy authority (38% of AAM suspensions);
2. Caused/attempted/threatened injury (28% of AAM suspensions);
3. Obscene Act/Profanity/Vulgarity (9% of AAM suspensions).

1. Disruption/defy authority – while 3% of students in other ethnic groups were suspended for this offense, 9% of African American male students were suspended for this offense. This offense accounted for 599 suspensions of African American boys (38% of suspensions of African American boys).
2. Caused/attempted/threatened injury – while 1% of students in other ethnic groups experienced suspensions for this offense, 7% of African American males students were suspended for this offense. This offense accounted for 445 African American male suspensions (28% of suspensions of African American males).
3. Obscene Act/Profanity/Vulgarity – 0.4% of students in other ethnic groups were suspended for this offense, compared to 2% of African American males. This offense accounted for 139 African American male suspensions (9% of suspensions of African American males).

These three offenses accounted for the suspensions of 1,183 African American male students, (75% of all African American male students suspended once or more in OUSD).



**Figure 10: Percentage of Students Suspended<sup>10</sup> for Each Reason (African American Male Students Compared to Non-African American Students) – All Grade Levels, 2010-11**

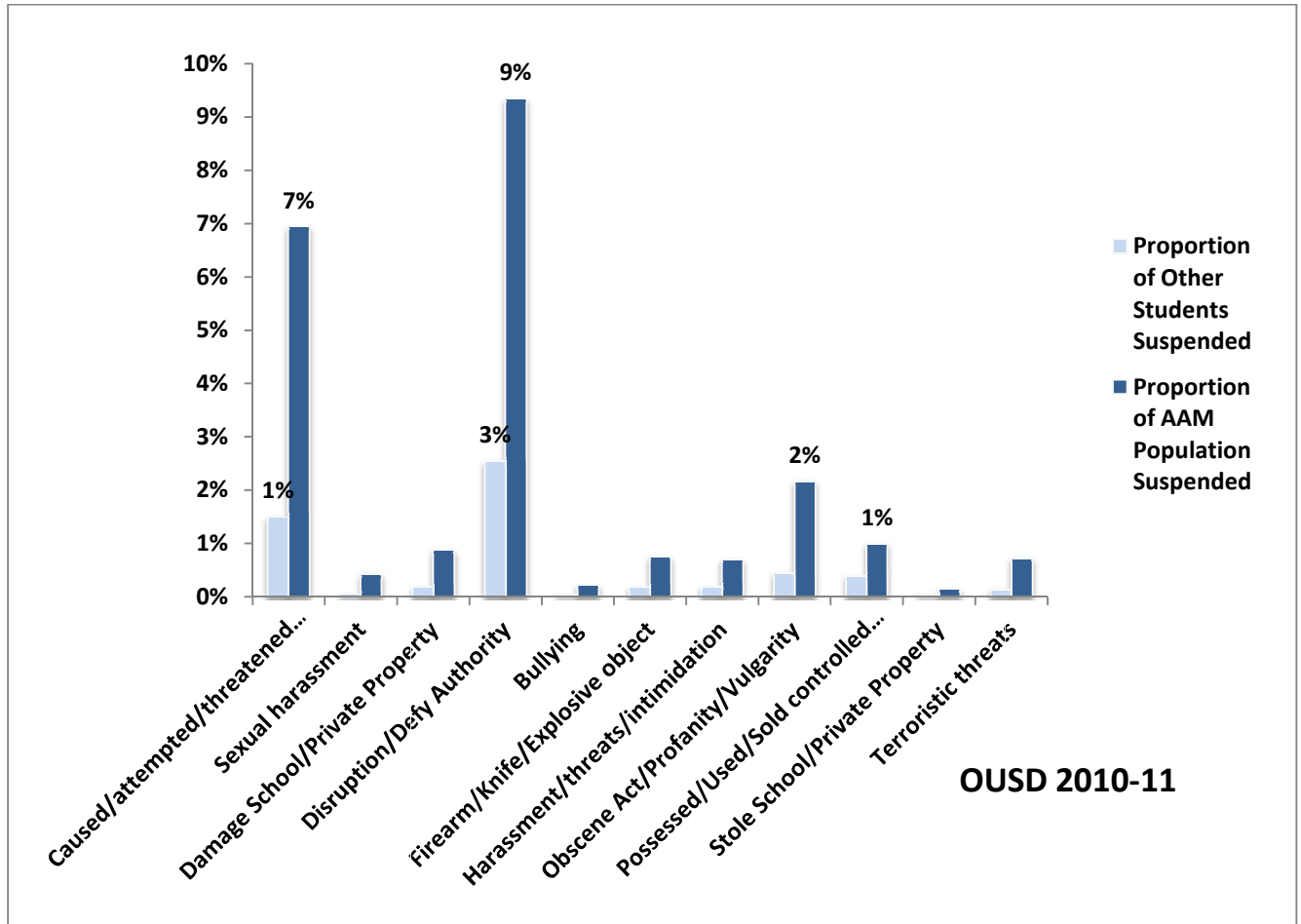
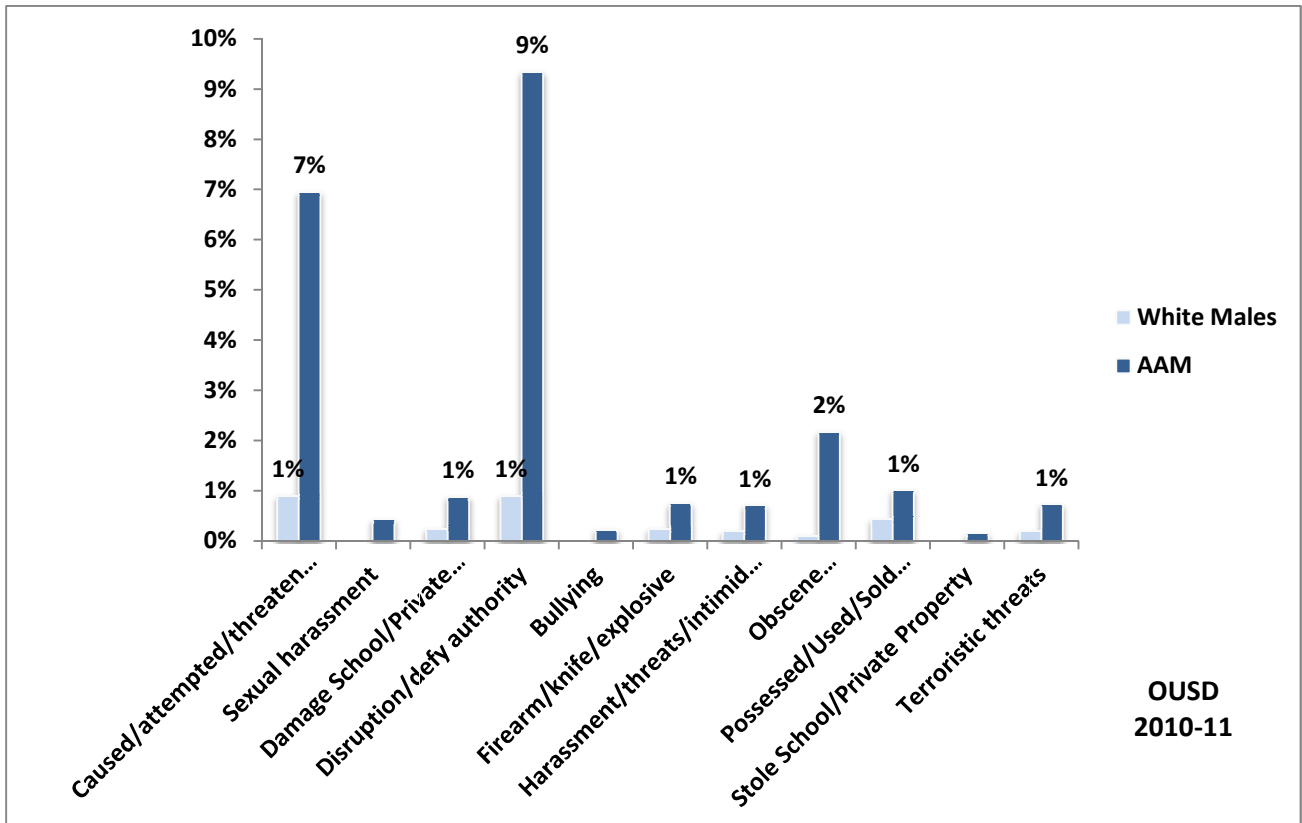


Figure 11 below shows that the pattern of disproportionate suspension of African American boys was even more severe when compared to suspensions white males in OUSD. In 2010-11:

1. Disruption/defy authority – 1% of white males were suspended for this offense, compared to 9% of African American males.
2. Caused/attempted/threatened injury – 1% of white males were suspended for this offense, compared to 7% of African American males).
3. Obscene Act/Profanity/Vulgarity – 0%<sup>11</sup> of white males were suspended for this offense, compared to 2% of African American males.

<sup>10</sup> This figure compares the percentage of all African American male students enrolled, and all other enrolled students suspended for each offense.

**Figure 11: Percentage of Students<sup>12</sup> Suspended for Each Reason (African American Male Students Compared to White Male Students) – All Grade Levels, 2010-11**



## Suspension Offenses by School Level

Suspension offense patterns across school types were similar with some variations across elementary, middle, and high school. In all school types, however, African American male students were consistently disproportionately suspended for all of these reported offenses.

<sup>11</sup> Two White males were suspended for this offense.

<sup>12</sup> This figure gives the percentage of all African American students, and all other students suspended for each offense, rather than the percentage of suspended students suspended for each offense.

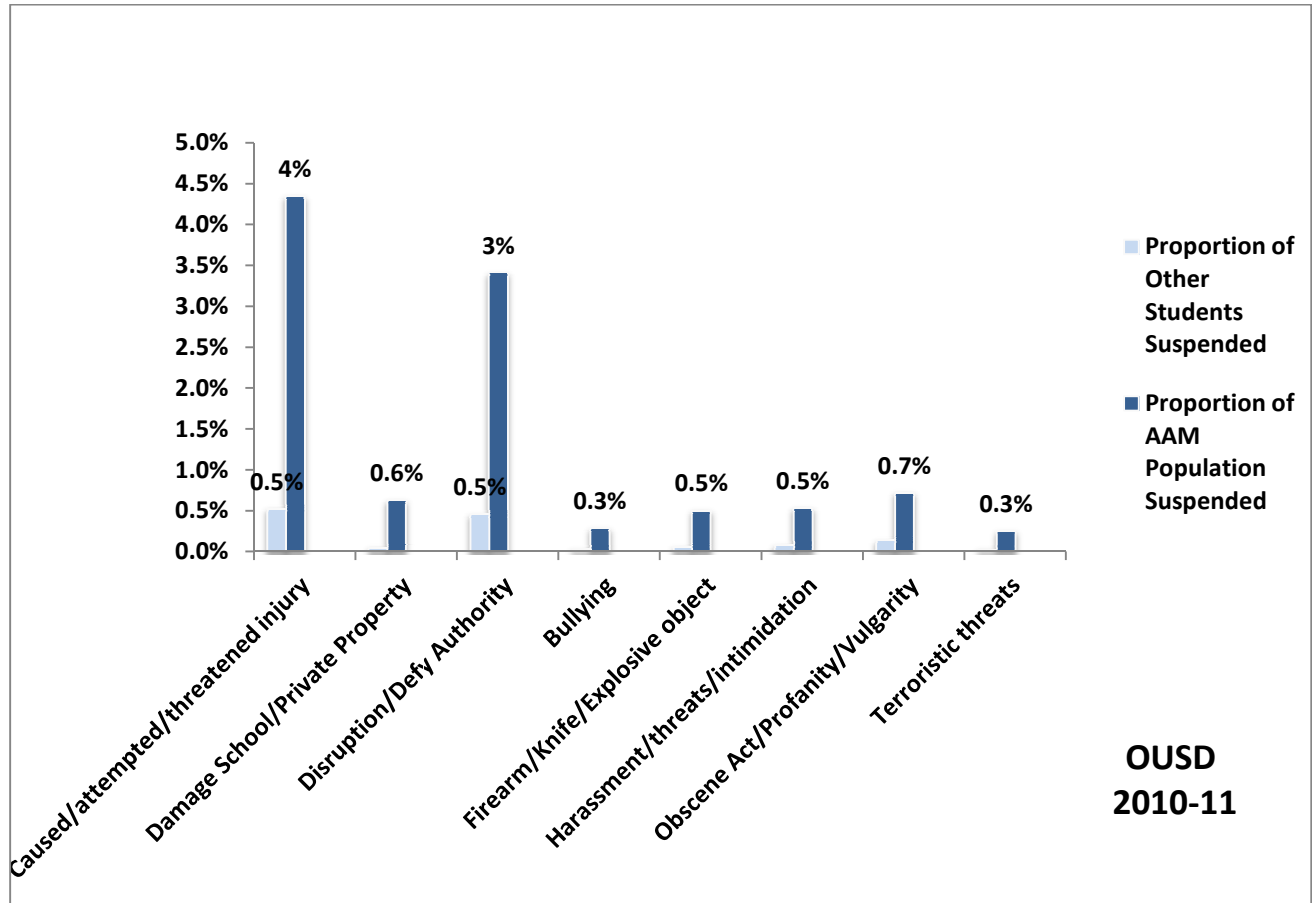
## Suspension Offenses in Elementary Schools

As Figure 8 demonstrates, in elementary schools African American males were disproportionately suspended for all types of offenses. However, the majority of suspensions were for the offenses of causing, attempting, or threatening injury, closely followed by being disruptive and defying authority. Of all of the school levels, however, elementary schools had the largest gap between the percentage of African American males and other students suspended for disruptive or defiant behavior (African American males were 7.5 times more likely than students of other ethnic groups to be suspended for this offense– as shown in Figure 8 below). In 2010-11:

1. Caused/attempted/threatened injury – 0.5% of elementary students from other ethnic groups were suspended for this offense, compared to 4% of African American male elementary students.
2. Disruption/defy authority – 0% of elementary students from other ethnic groups were suspended for this offense, compared to 3% of African American male elementary students.
3. Obscene Act/Profanity/Vulgarity – 0% of elementary students from other ethnic groups were suspended for this offense, compared to 0.7% of African American male elementary students.

An AAM elementary school student was **7.5 times** more likely than an elementary school student from another ethnicity to sustain a suspension for **disruptive or defiant behavior**.

**Figure 12: Percentage of African American Male Elementary Students<sup>13</sup> Suspended Compared to Percentage of Elementary Students from Other Ethnic Groups Suspended, 2010-11**



### Suspension Offenses in Middle Schools

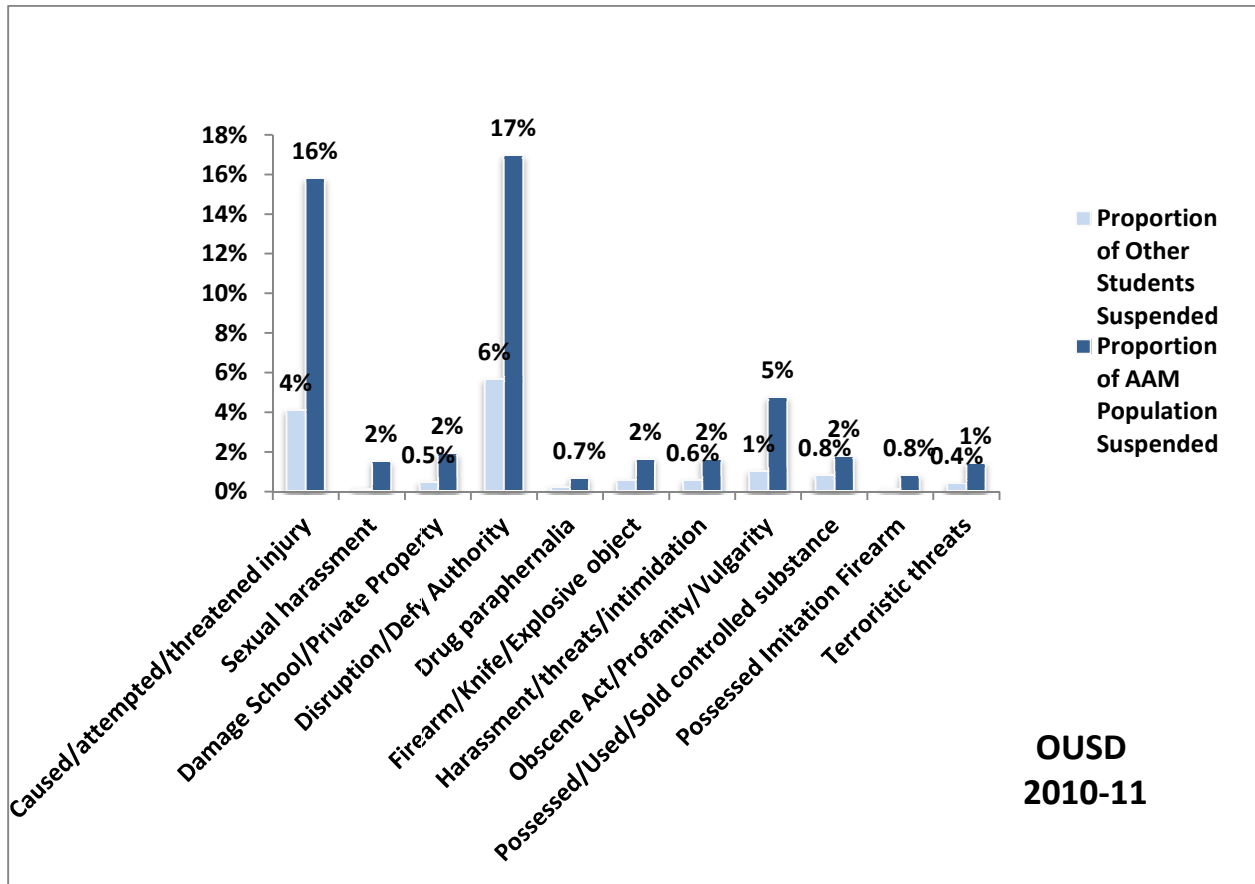
As at other school levels, African American male middle school students were disproportionately suspended for all types of offenses across the board. However, in middle school the pattern of disruptive and defiant behavior as the leading reason for suspensions emerges. Middle school students and African American male students in particular, had higher suspension rates for both of the top two offenses than did students in elementary school or high school. African American male students were four times as likely to be suspended for “causing, attempting, or threatening injury” and nearly three times as likely to be suspended for disruptive and defiant behavior as other students (as shown in Figure 13 below). In 2010-11:

<sup>13</sup> This figure gives the percentage of all African American students, and all other students suspended for each offense, rather than the percentage of suspended students suspended for each offense.

1. Disruption/defy authority – 6% of middle school students from other ethnic groups were suspended for this offense, compared to 17% of African American male middle school students.
2. Caused/attempted/threatened injury – 4% of middle school students from other ethnic groups were suspended for this offense, compared to 16% of African American male middle school students.
3. Obscene Act/Profanity/Vulgarity – 1% of middle school students from other ethnic groups were suspended for this offense, compared to 5% of African American male middle school students.

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Figure 13: Percentage of African American Male Middle School Students<sup>14</sup> Suspended Compared to Percentage of Middle School Students from Other Ethnic Groups Suspended, 2010-11



<sup>14</sup> This figure gives the percentage of all African American students, and all other students suspended for each offense, rather than the percentage of suspended students suspended for each offense.

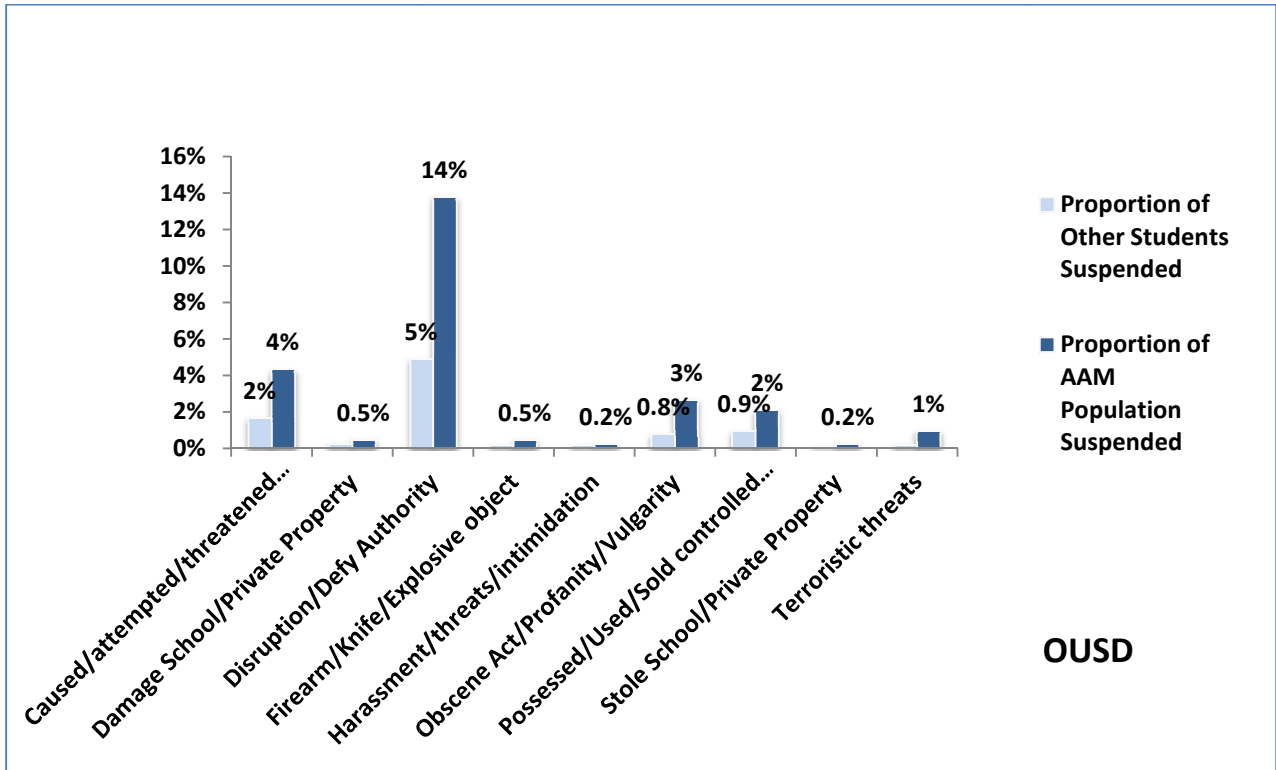
## Suspension Offenses in High Schools

African American male high school students were also disproportionately suspended for all types of offenses. In high school, in contrast to middle school, far fewer students were suspended for the caused/attempted/threatened injury offense, while disruptive and defiant behavior continued to be the leading reason for suspensions. African American males were nearly three times as likely to be suspended for disruptive and defiant behavior (as shown in Figure 14 below). This offense category accounts for suspensions of 232 African American male high school students out of a total of 1,656 African American male high school students in OUSD in 2010-11; 14% of African American males in high school were suspended for disruption/defiance. The following details the top three offenses for African American male high school students:

**232 out of 1,656**  
AAM OUSD high  
school students  
(14%) were  
suspended for  
**“disruptive and  
defiant behavior”** in  
2010-11.

- 1. Disruption/defy authority** – 5% of high school students from other ethnic groups were suspended for this offense, compared to 14% of African American male high school students.
- 2. Caused/attempted/threatened injury** – 2% of high school students from other ethnic groups were suspended for this offense, compared to 4% of African American male high school students.
- 3. Obscene Act/Profanity/Vulgarity** – 1% of high school students from other ethnic groups were suspended for this offense compared to 3% of African American male high school students.

Figure 14: Percentage of African American Male High School Students<sup>15</sup> Suspended Compared to Percentage of All Non-African American High School Students, 2010-11

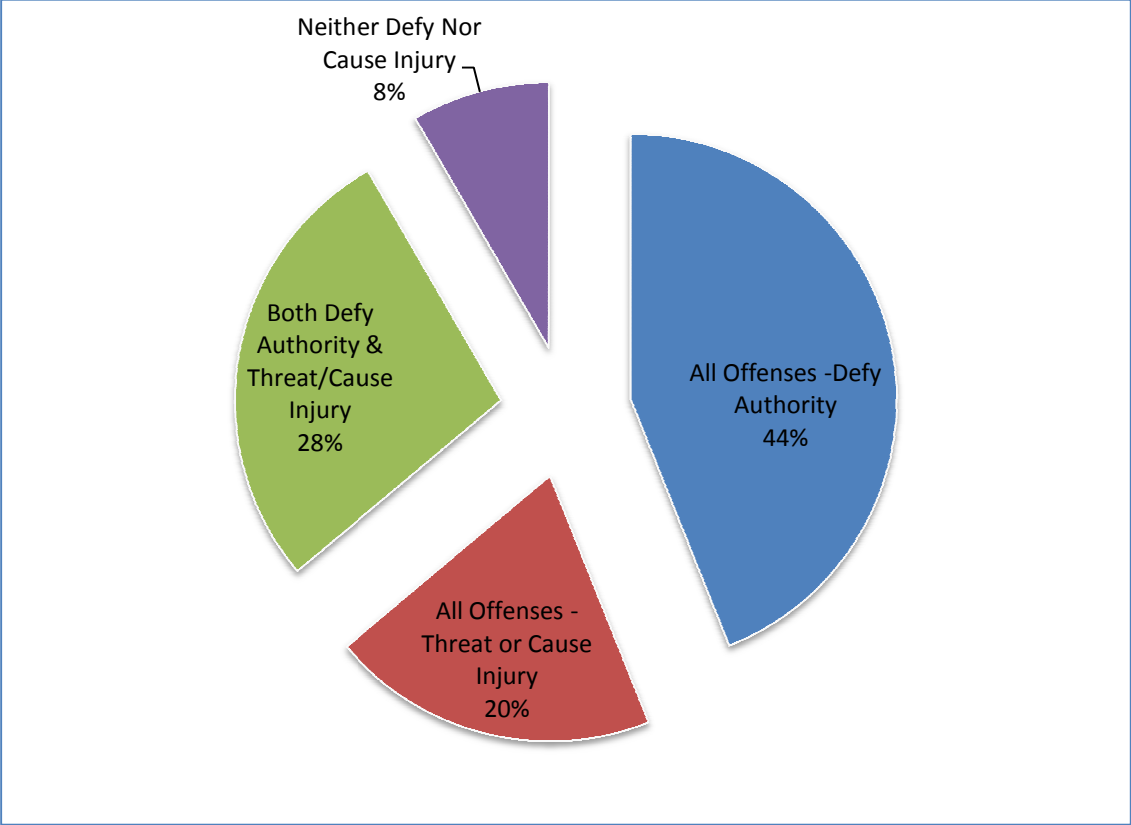


**F. What are the patterns of offenses for African American male students with multiple suspensions and what are their academic achievement levels?**

For those African American students with multiple suspensions, 44% were suspended *solely* for defying authority, whereas 28% had suspensions for defying authority and threatening or causing injury (see Figure 15). Twenty percent had suspensions solely for threatening or causing injury, and 8% had neither offense in their offense history in 2010-11.

<sup>15</sup> This figure gives the percentage of all African American students, and all other students suspended for each offense, rather than the percentage of suspended students suspended for each offense.

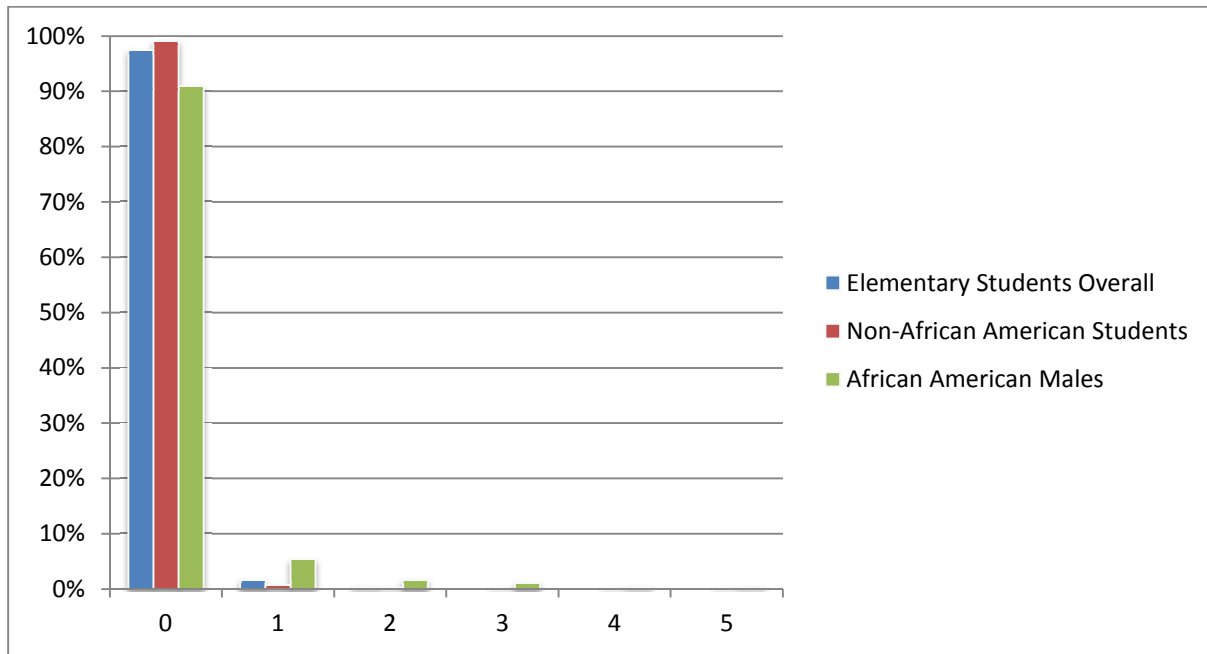
Figure 15: Patterns of Offenses for African American Males with Multiple Suspensions in 2010-11



Very few African American male students are suspended in elementary school; however, the number of elementary school students never suspended is slightly higher for the general enrollment, and less than 1% of non-African American students have a suspension in elementary school (see Figure 12 below).



Figure 16: Number of Suspensions for African American Male Elementary Students in 2010-11



Middle school students generally are more likely to receive suspensions than both elementary and high school students; but this is also where we see the greatest disparities in suspensions of African American boys (see Figures 13 & 14). African American males are 24% more likely to have multiple suspensions in middle school than non-African American students. Even in high school, African American males are 13% more likely to be suspended than non-African American students.

Figure 17: Number of Suspensions for African American Male Middle School Students in 2010-11

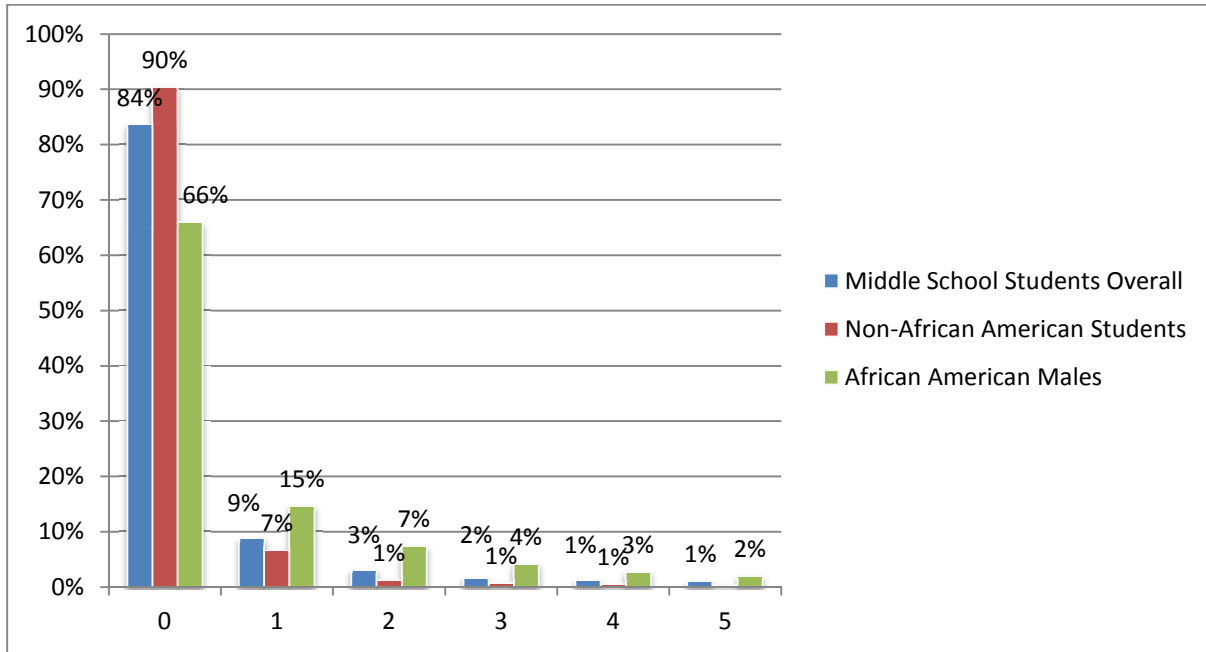
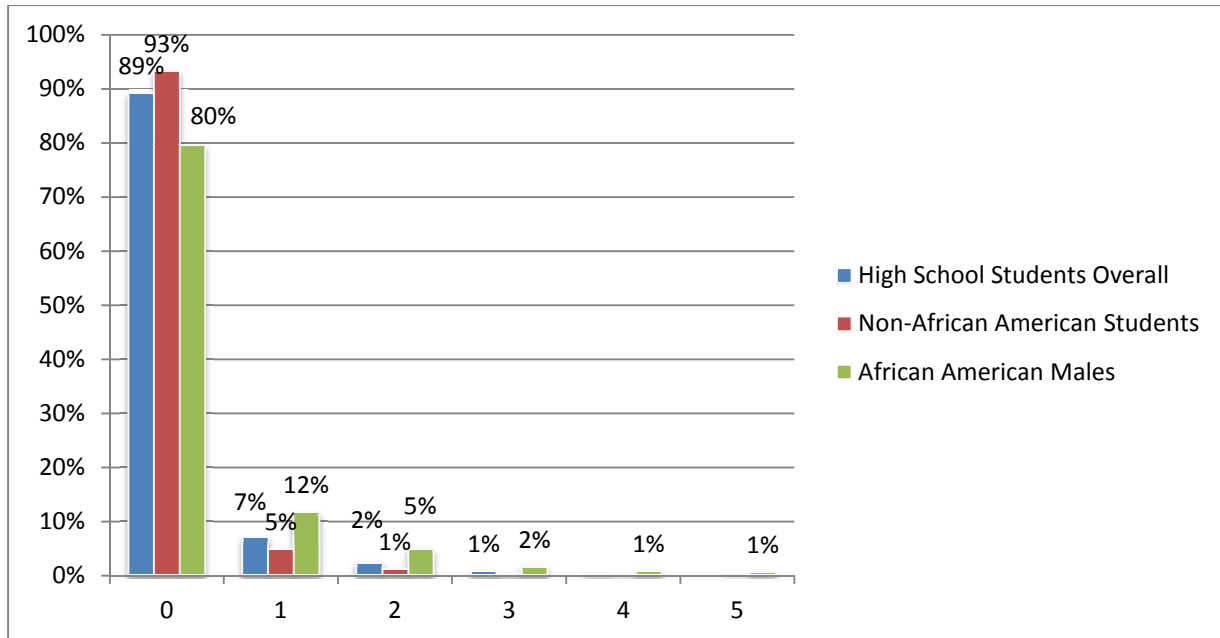
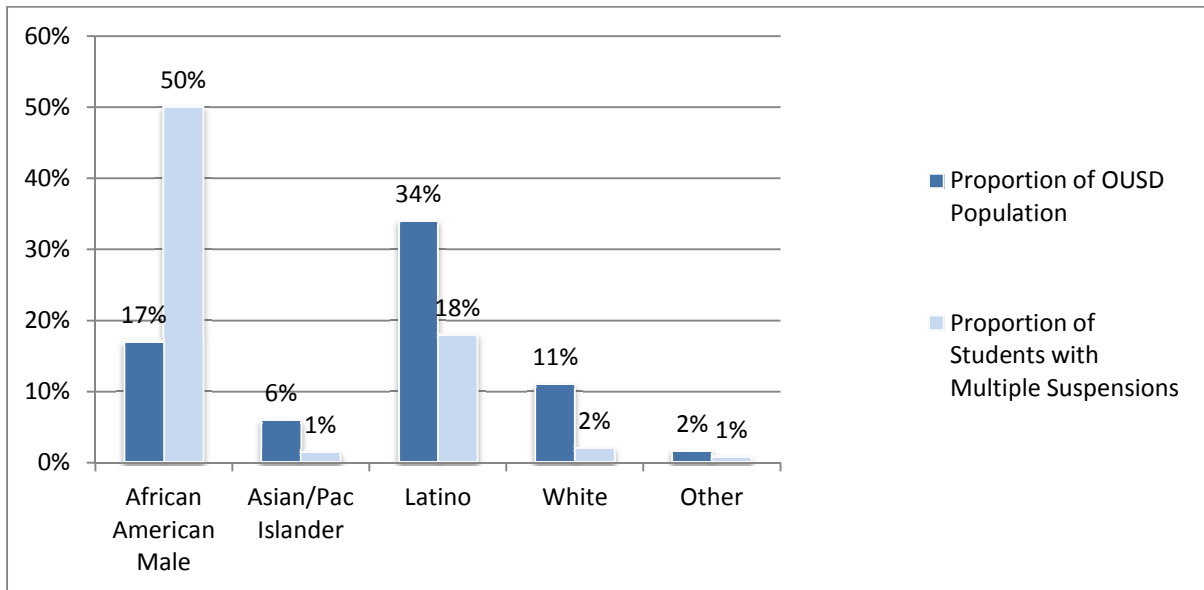


Figure 18: Number of Suspensions for African American Male High School Students in 2010-11



African American males make up half (50%) of the students in OUSD who received more than one suspension in the 2010-11 school year (see Figure 15), though they account for just 17% of OUSD students.

**Figure 19 : Ethnicities of Students with Multiple Suspensions Compared to Proportion in OUSD Population**



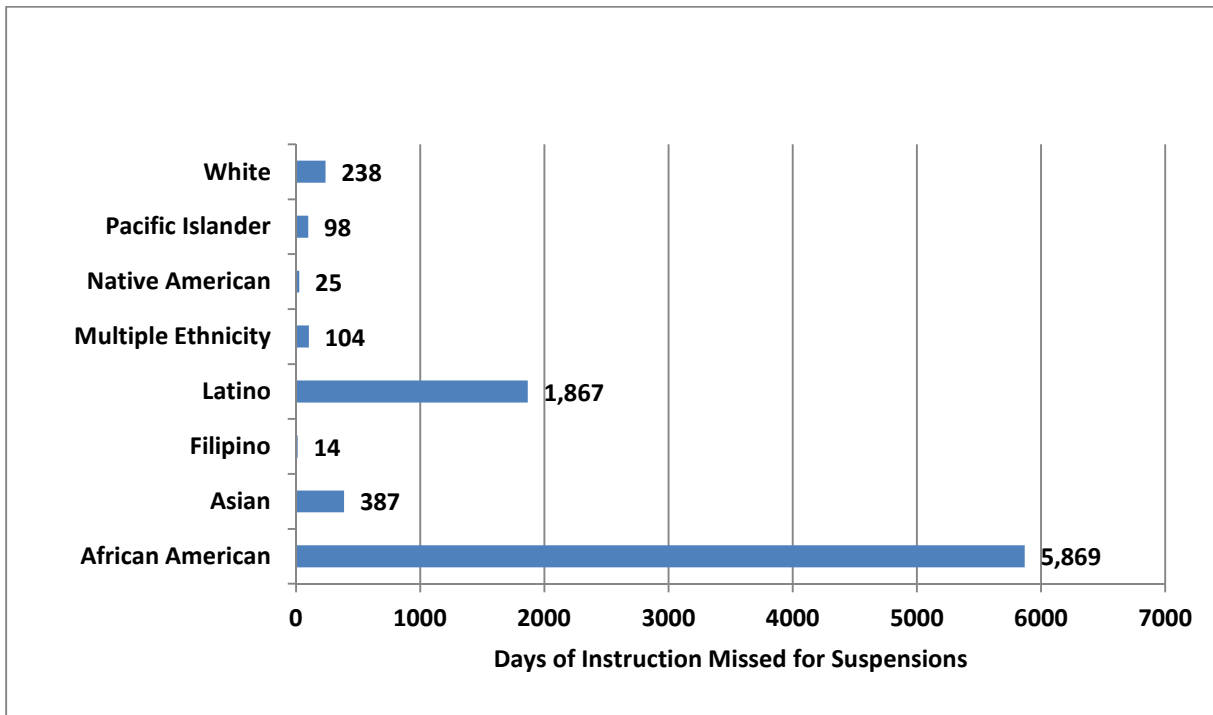
**G. What was the economic impact to OUSD of the days of instruction lost by African American males due to suspensions?**

The number of days of instruction time lost to suspensions for African American boys is extremely high and is highly disproportionate to that of other groups. The estimated economic loss associated with this loss of class time due to suspensions of African American males was approximately \$163,000 in 2010-11<sup>16</sup>. The loss of funds attributable to suspensions for all OUSD student suspensions is estimated at \$180,500, so, while African American males make up 17% of the population, their suspensions account for 47% of the costs associated with suspensions in the district.

African American males missed 5,869 school days due to suspensions in 2010-11. The economic loss to OUSD is estimated at \$163,000.

<sup>16</sup> This figure is based on an estimated \$28 in revenue limit funds per pupil per school day in 2010-11.

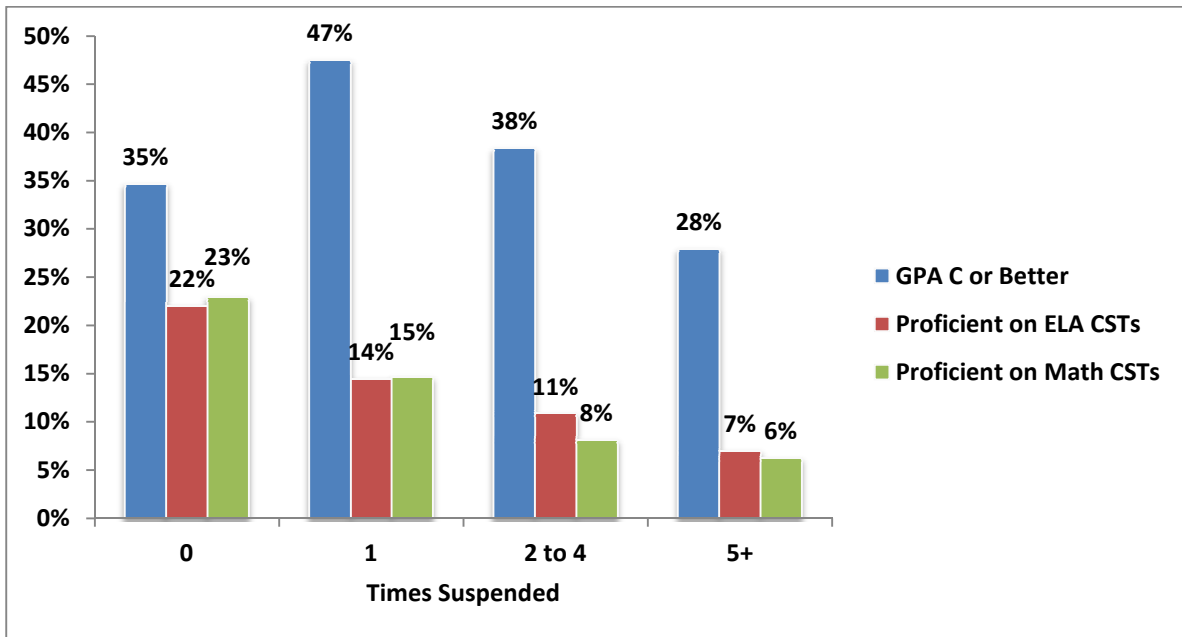
Figure 20: Total Days of Instruction Missed by Males due to Suspension in OUSD in 2010-11



#### H. What is the relationship between suspensions and academic performance for African American males?

The number of times that students are suspended is associated with their levels of academic achievement. Figure 17 shows academic achievement levels of African American males who were not suspended, were suspended once, were suspended twice to four times, or were suspended five times or more in 2010-11, using grade point average (GPA) and scores on the California Standards Test (CST) for both English and Language Arts (ELA) and Math as measures for achievement. Students with multiple suspensions were less likely to be proficient or higher in English Language Arts or Math than their peers with no suspensions or a single suspension. One interesting finding is students with one suspension were more likely to have a GPA of C or better than those with zero suspensions (47% of those with one suspension had a GPA of C or better compared to 35% of those with no suspensions that year). This finding will require further exploration.

**Figure 21: Academic Achievement by Number of Suspensions for African American Males in OUSD**



\*Note: Students only receive grade point averages in middle and high school so this calculation is for grade 6 and above. Student only take CST tests in grades 2-11.

## PART II: LITERATURE ON THE CAUSES OF DISPARITIES IN SUSPENSIONS OF AFRICAN AMERICAN MALES AND RECOMMENDATIONS FOR INTERVENTIONS

### A. What does the literature suggest are the reasons for racial disparities in suspensions?

#### Theories of Causation

We conducted a review of the literature to identify theories of causation for racial disparities in suspensions to inform our data analysis, policy analysis and recommendations. The literature on suspension generally falls into three theories of causation of disparities (see Appendix A for summary tables on causation):

1. **Structural:** This category of theories suggests that the structure of the school, its environment, culture, practices and relationships are not conducive to the development and support of African American boys, and that this “mismatch” makes their adjustment and success in the environment more difficult than for other sub-groups.



*“Achievement gaps” are both predicted by and predictive of suspension patterns and widen through students’ educational careers.*

On average, poor children enter school with fewer math, literacy, and vocabulary skills than their middle-class peers<sup>xiii</sup>. Further, a wide body of research shows that Black, Latino, and American Indian students have lower achievement test scores than Asian and White students<sup>xiv</sup>. Research suggests that the achievement gap experienced by children in impoverished communities as they enter school often precedes a cycle where the system responds to achievement challenges by “watering down” education, making it less engaging, more simplistic, and less challenging<sup>xv</sup>. Scholars suggest that teachers, generally well meaning, become incited and pressured by the system to rely on routines, rigidity, and punishments to the ultimate detriment of students’ learning<sup>xvi</sup>.

Once children experience academic challenges, many begin to have behavioral problems that lead to disciplinary actions, including suspensions. Research suggests that the frustration and diminished self-confidence that go along with low achievement, as well as the disaffection from school, contribute to higher rates of school disruption<sup>xvii</sup>. Further, low achievement has been associated with aggression at the elementary, middle school, and high school levels<sup>xviii</sup>.

While students who enter school with less preparation have a higher likelihood of being suspended, once suspended, the achievement gap widens as students miss valuable classroom time. Suspensions have been associated with decreased reading levels, withdrawal from learning in the classroom, dropouts, and late graduation<sup>xix</sup>.

- 2. Treatment:** This category of theories suggest that adults in the school environment treat African American boys differently and are more likely to classify their behavior as violating school rules and, consequently, to refer them for disciplinary infractions more frequently.

### **Stereotyping & Cultural Mismatch**

Some research suggests that teachers who come from outside of the Black community may misinterpret the norms associated with African American culture. For example, the literature suggests that norms of animated expression and close interpersonal interaction may be misinterpreted by teachers as dangerous or aggressive behavior<sup>xx</sup>.

### **Interpretations of Defiance**

A substantial body of research has shown that students of color and particularly African American students are disproportionately disciplined for defiance or noncompliance<sup>xxi</sup>. Several studies found that office referrals of African American students, for example, were often for challenging the teacher's authority or the established classroom practices. Further research is needed to identify why this disproportionality is so pronounced.

- 3. Behavioral:** This category of theories suggests that the behavior of African American males is different than that of other students and that they are

legitimately subjected to disciplinary action as a result of their more frequent violation of school rules.

Many studies have attempted to identify the behavioral differences between racial groups in order to see where disciplinary disproportionality reflects objective group level differences. However, these studies have consistently found that there is little difference between groups in their levels of misconduct<sup>xxii</sup>. Two studies found that White students were more likely to be referred to the office for behaviors such as fighting and bothering others, but African American students tended to receive corporal punishment more often for these offenses (Shaw & Braden, 1990). One comprehensive study of office referrals in an entire urban school district found no difference in the seriousness of offenses between racial groups, but found that White students tended to be referred for objectively observable causes (e.g., smoking, vandalism, leaving without permission, obscene language) while Black students tended to be referred for subjective reasons (disrespect, threat, excessive noise) (Skiba et al, 2002).

## **B. What does the literature suggest as strategies for reducing or eliminating those disparities?**

See Appendix B.



## **PART III: POLICY ANALYSIS**

In this section we examine OUSD discipline policies with a focus on the offenses contributing most substantially to suspensions and disparities for African American males and the disciplinary actions and procedures corresponding to these offenses. In addition to examining OUSD discipline policies and administrative regulations, we also reviewed California Education Code provisions related to students discipline, the collective bargaining agreement between OUSD and the Oakland Education Association, the OUSD Parent Handbook and the 1999 Voluntary Resolution Agreement between OUSD and the U.S. Department of Education's Office of Civil Rights.

To facilitate our analysis of the various policy documents, we prepared a table containing excerpts from each of the policy sources we reviewed in which we aligned similar provisions of the various policy documents. Due to its length, we did not include that document as an appendix to this report; however, it is available upon request.

To guide our analysis of discipline policies, we developed a series of questions including the following:

- 1) How are the focus offenses defined and how could state and local policy be contributing to disparities?
- 2) What corrective actions, disciplinary actions, or alternatives to suspension are available or required for the focus offenses?
- 3) What are Education Code provisions for schools with high suspension rates?
- 4) What are current OUSD policies addressing disparities in suspensions for African American males?
- 5) What are current OUSD procedures that may be contributing to disparities in suspensions for African American males?

### **A. How are the focus offenses defined and how could policy be contributing to disparities?**

#### **Analysis of Top Three Suspension Offenses**

As noted above in the suspension data analysis section, three offenses contribute substantially to the overall rate of suspension for African American males and to the disproportionate impact of suspensions on them, including in rank order:

1. Disruption-Defiance of Authority (599 or 39% of African American male suspensions)
2. Caused-Attempted-Threatened Injury (445 or 29% of African American male suspensions)
3. suspensions)

4. Obscene Act-Profanity-Vulgarity (139 or 9% of African American male suspensions)
5. suspensions)

In total, these offenses accounted for **76%** of the suspensions of African American boys in OUSD in 2010-11. Consequently, they form the focus for our policy analysis.

## **1. Definition of Offenses**

In this section we examine each of these offenses in light of the Education Code; OUSD policy and administrative regulations; the agreement with the Oakland Education Association; the 1999 Voluntary Resolution Plan (VRP) between OUSD and the Office for Civil Rights (OCR); and the parent handbook.

### **a. Disruption/Defiance of Authority**

Sub-section 48900(k) of the California Education Code provides for the suspension of a student who has been found by the Superintendent or the principal to have:

“Disrupted school activities or otherwise willfully defied the valid authority of supervisors, teachers, administrators, school officials, or other school personnel engaged in the performance of their duties.”

The Education Code provision does not further define or establish any standards for what constitutes disruption or willful defiance. In the absence of an Education Code definition for this offense, we looked to OUSD policy and regulations to determine if local policy sources provide clarification of what constitutes the prohibited conduct. The OUSD policies, however, utilize the Education Code language and do not further define disruption or defiance.

While the Voluntary Resolution Plan (VRP) with OCR contains a specific focus on Disruption-Defiance of Authority, it provides no clarification of the conduct which constitutes the offense (See p. 2 of the VRP).

We also examined the teacher collective bargaining agreement which contains a provision related to disruptive conduct and provides the following:

“17.3 Disruptive Actions by Students - Unit members may send to the appropriate administrator those students whose actions are disruptive to his/her classroom instructional program. Should the student refuse to comply, the administrator shall be so notified and appropriate action shall be taken to remove the student from the immediate environment. In response to student behavior under this section, unit members retain the right to exercise a two-

day student suspension under Education Code section 48910. Prior to the student being returned to the unit member's class, the administrator shall communicate with (provide feedback to) the unit member to discuss the student's conduct."

A similar provision, Section 22.4.3, covers Early Childhood Education (ECE) unit staff. While the teacher contract provisions on disruption and defiance provide no additional definitions of the offending conduct, they provide that a teacher may refer to an administrator a student whose actions are disruptive and identify a process for classroom removal if the student "refuses" to comply (See below for more on classroom suspension).

### **b. Caused/Attempted/Threatened Injury**

Sub-section 48900(a)(1) and (2) of the California Education Code provides for the suspension of a student who has been found by the Superintendent or the principal to have:

- "(1) Caused, attempted to cause, or threatened to cause physical injury to another person.
- (2) Willfully used force or violence upon the person of another, except in self-defense."

The OUSD policies utilize the Education Code language and do not further define the offense.

The VRP lists the Caused-Attempted-Threatened Injury offense among those for which no interventions prior to suspension are required.

### **c. Obscene Act/Profanity/Vulgarity**

Sub-section 48900(i) authorizes suspension of a pupil who has been found to have:

- "Committed an obscene act or engaged in habitual profanity or vulgarity."

OUSD policies and administrative regulations have adopted identical language prohibiting obscene acts or profanity, vulgarity (See Subsection 9). Neither provision provides any additional definitions of the offenses. The parent handbook similarly lists the offense in the same language as the Education Code (p. 15).

Under the VRP, the Obscene Act-Profanity-Vulgarity offense is listed among those offenses for which interventions prior to suspension are required (p.2), but the VRP offers no additional definitions of the offense.

## Analysis of Offenses

In this section of the report, we present our analysis of the three offenses contributing to the high rate of suspension and the disparities in suspensions for AFRICAN AMERICAN MALES.

### 1. Clustering of Offenses for Reporting Purposes

The first issue of importance in our analysis of the three focus offenses is that they all represent a cluster of offenses rather than specific offenses. While we understand the district's desire to align their behavioral rules with those of the Education Code, doing so interjects problems into the fair administration of student discipline.

The leading offenses for AAM suspensions all involve a cluster of offenses making it difficult to determine the underlying behaviors leading to suspensions.

The cluster of offenses represented by "caused-attempted-threatened injury" provides a good example. Threatening injury, attempting injury and causing injury actually represent three different behaviors, arguably of varying severity. By clustering them together in this manner, the reporting and tracking of suspensions provides the district and the school sites with little information on the frequency with which each of the three offenses occurs. Moreover, the clustering does not

permit an examination of the disciplinary responses to the varying forms of behavior subsumed under the label of caused-attempted-threatened injury.

It is worth noting that our detailed analysis of the data on reasons for suspension revealed that, "willfully used force or violence (48900 (a)(2))" constituted only 49 incidents of suspension and as a percentage of suspensions, less than 1% of all suspensions for OUSD students.

A similar problem exists with the other two target offenses. Disruption-Defiance of Authority constitutes two different offenses as does Profanity-Vulgar Acts.

### 2. Lack of Definitional Clarity

Another issue of concern with the focus offenses is the lack of definitions regarding what conduct constitutes an offense. This is especially an issue with the cluster of

offenses labeled Disruption-Defiance of Authority” and Profanity-Vulgar Acts. As noted above, not only are these clusters of offenses, but the local policies provide no definition of the prohibited conduct or the appropriate behavior expected of students. Moreover, defiance of authority implies some observable act on the part of the student which is distinguishable from simple failure to follow instructions of an adult employee (usually classified as insubordination), with the former being a more serious offense.

Each of the focus offenses lacks clear definitions of the prohibited conduct.

While we recognize that the district is not obligated to provide detailed definitions and examples of the prohibited conduct for each offense prohibited by policy, we believe that it is important to do so. OUSD, like most urban districts, serves a multi-cultural, multi-racial, multi-lingual population with students and families of varying economic levels. One consequence of this diversity is differing standards and expectations among students and families with regard to responding to adult authority. In light of this diversity, it is incumbent on the district to provide clear definitions of prohibited and appropriate conduct for the school environment for parents, students **and** staff.

## **B. What corrective actions, disciplinary actions, or alternatives to suspension are available or required for the focus offenses?**

### **Corrective Action Prior to Consideration of Suspension and Alternatives to Suspension**

**Note:** In the following two sections we consider both corrective actions prior to consideration of student suspension as well as alternatives to suspension. We separate the two although we recognize that they broadly overlap each other in order to distinguish the situations where corrective action is appropriate prior to any consideration of suspension from those in which 1) prior corrective action has not affected a change in behavior resulting in repetition of misbehavior; or 2) those in which suspension is permitted under law and policy for a first offense and for which school officials seek a disciplinary action not resulting in suspension and loss of instructional time. Both of these are distinguishable from situations where it is necessary to temporarily remove a student from a classroom or his/her regular environment temporarily because he/she poses a danger to others or themselves.

When we refer to **corrective action** prior to consideration of suspension we refer to the offenses under the Education Code and OUSD policies for which suspension normally cannot be imposed upon a single offense, which is the case for both Disruption-Defiance of Authority and Profanity-Vulgar Acts. When we refer to **alternatives to suspension** we are referring to situations in which suspension is authorized upon a single incident of the offense, but an alternative disciplinary action other than suspension may be imposed.

### 1. Corrective Actions

The Education Code recognizes that not all offenses for which suspension is authorized warrant a suspension upon a first offense. Section 48900.5 provides:

Suspension shall be imposed only when other means of correction fail to bring about proper conduct. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons or property or threatens to disrupt the instructional process.

Offenses (a)-(e) referred to in 48900.5 and excluded from the requirement for prior correction attempts include:

- (a) (1) Caused, attempted, or threatened physical injury to another person.
- (2) Willfully used force or violence upon the person of another, except in self-defense.
- (b) Possession, sale or transfer of a firearm, knife, explosive or other dangerous object

Under the Education Code and OUSD policy, both disruption-defiance and profane-vulgar acts require prior corrective action before use of suspension.

(c) Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, a controlled substance an alcoholic beverage, or an intoxicant of any kind.

(d) Unlawfully offered, arranged, or negotiated to sell a controlled substance an alcoholic beverage, or an intoxicant of any kind, or material represented as a controlled

substance, alcoholic beverage, or intoxicant.

(e) Committed or attempted to commit robbery or extortion.

This means that two of the three focus offenses (obscene act-profanity-vulgarity; disruption-defiance of authority) require prior corrective action before suspension can be considered, while the third offense (caused-attempted-threatened injury) can result in a suspension upon a single occurrence.

This framework for guiding student suspension practices for various offenses is adopted by the district in its policies, which parallel the Education Code.

However, the VRP attempts to provide a structure for identifying and monitoring the “corrective action prior to suspension” requirement contained in the Education Code and district policies by developing the following guidelines:

1. Reinforcing that suspension is a last resort and can only be considered after corrective actions have failed;
2. Establishing a standard that the offenses must be repetitive, meaning that it has occurred on at least two prior occasions;
3. Establishing that prior corrective actions must be documented and retained in a student’s records for a period of one year; and
4. For defiance of authority, a requirement that there be actual parent contact or a reasonable effort at contact, **and** actual contact with a responsible adult with a significant relationship with the student who can make contact with the parent by the administrator in correct the problem prior to imposing a suspension.

The VRP established a standard for repetition of misconduct and corrective action at two incidents prior to consideration of suspension.

The VRP begins by providing that the district adopt an approach that suspensions for the identified offenses shall be the corrective action of last resort:

To facilitate these objectives and to ensure effective implementation of this voluntary resolution plan, the District shall ensure, through each of its school sites, that suspensions, particularly those under §

48900(k) for "defiance of authority," and on the other bases under § 48900(f)-(1) of the Education Code, shall be corrective measures of last resort in bringing about proper conduct by District students and that intervention strategies should be implemented prior to suspensions under

§ 48900 (f-I). The standards and procedures will incorporate all of the provisions set forth below (p.2).

The VRP provides a structure for the interventions by providing that, for listed offenses, there must be prior corrective action on at least two occasions and suspension cannot be considered unless there is an emergency or the following conditions are met:

“2.a.(i) Suspension referrals pursuant to: Ed. Code § 48900(f) - § 48900(1) shall not give rise to suspension unless the referral includes *documentation* of not less than two (2) intervention techniques used over a reasonable period of time by the teacher or an administrator to bring about proper student conduct under Ed Code §48900.5. Documentation memorializing the particular intervention strategy and the dates of its usage shall be retained with the student's records for a period of not less than one (1) year.”

The VRP goes on to specifically address the defiance of authority offense and requires parent contact prior to suspension:

“2.b. Prior to any suspension based on § 48900(k) any administrator seeking to impose this suspension shall *have* previously made actual contact with the student's parent or guardian to attempt to resolve the conduct short of suspension unless, and only unless, an actual contact cannot be made after diligent efforts' to do so. Under these circumstances, no suspension under § 48000(k) shall be imposed unless the site administrator has documented all of the following:

- (i) Attempts on at least two separate days to reach the parent or guardian during hours when the parent or guardian can reasonably be expected to be at home;
- (ii) If the parent does not have an operable telephone, two attempts to reach the parent or guardian through other means; and
- (iii) Actual contact with an adult with a significant relationship with the student or an adult who is reasonably likely to achieve contact with the parent or guardian.

The District's policy shall be that resort to a suspension under 48900 (k) (defiance of authority) means that the student has repeatedly failed to comply with the District's or site's student conduct rules or policy and the site has been unsuccessful, despite demonstrated and repeated efforts to correct such misconduct, leaving suspension as the only reasonable alternative for bringing about the appropriate conduct.”



Section 4(c) of the VRP provides that the district will identify a site discipline contact and describes the duties of that person to include creation of intervention techniques designed to keep students in school.

- c. “Within four (4) weeks of the execution of this agreement, each school site shall designate a discipline contact (staff person) to lead the discussion and analyze statistical information at the school site on the imposition of suspensions and expulsions by race. The school site discipline contact will work with the Coordinator of Student Services on the goals of reducing suspensions and expulsions and the creation of intervention techniques designed to keep students in school. School site discipline contacts will provide the Coordinator of Student Services with the school site's discipline information within two (2) weeks of the end of each school year, The Department of Research and Evaluation shall analyze the data each school year of this agreement.  
(p.4)

Section 4(d) of the VRP addresses not only suggested corrective actions prior to suspension, but also sets forth a process for OUSD to develop and catalogue effective corrective actions.

- d. “The Department of Curriculum and Instruction and the Coordinator of Student Services shall catalogue and define effective intervention strategies available for pre-suspension use by school personnel dealing with student conduct which has historically given rise to student suspensions under Education Code § 48900, and particularly §48900(k). Such intervention strategies may include but not be limited to:
  - i. Mandatory pre-suspension actual and documented conferences with the student's parent/guardian
  - ii. Student study team referrals
  - iii. Referrals of the student to school conflict management teams.
  - iv. Time-outs
  - v. Counseling (School site, and referrals to community agencies with parent agreement)
  - vi. Mediation
  - vii. Student-student dispute resolution process
  - viii. Saturday School
  - ix. On Campus Suspension that involves some type of mediation and or conferencing

- x. Community service during non-school hours. Ed Code § 48900.6 (pp. 4-5)”

## 2. Alternatives to Suspension

The Education Code and district policy provide for a variety of disciplinary actions including those involving removal of the student from class or school. Below is a list of those forms of action we identified in our review of state law and local policies.

The OUSD policy is reflected in the parent handbook under the section titled, “Disciplinary Actions” provides as follows:

Both the Education Code and OUSD policy provide a list of corrective actions and alternatives to suspension.

“For other actions, OUSD supports alternatives to suspension and expulsion. Such solutions can address possible causes of the behavior, including misdirected goals and unmet needs on the part of the student. In some cases, these alternatives may include making restitution to those affected or harmed by the behavior. Some alternatives used by OUSD schools include the following:

- Restorative justice practices, such as circles of support and accountability
- Saturday school
- Opportunity transfers
- Peer accountability systems, such as McCullum Youth Court
- Conflict resolution programs
- Community service activities
- Behavioral contracts
- Home visits and/or conferences with family members
- On-campus suspension
- Loss of privilege (such as recess)
- Changes in schedule

If you have further questions about discipline, please contact your school site or the office of the Pupil Discipline Hearing Panel at 879-2702. BOARD POLICIES 5142, 5144.1, 5145.12”

We took the list from the parent handbook and other sources of policy and compiled the following list of disciplinary actions, labeling them by source and in terms of whether they involve a removal from regular instructional time or not:

## 1. Removal Actions

1. Expulsion
2. Involuntary transfer to an opportunity or continuation school (CA<sup>17</sup>; OUSD<sup>18</sup>)
3. Opportunity transfers (CA; OUSD)
4. Suspension from school (CA; OUSD)
5. Classroom Suspension (CA; OUSD)
6. In-School/On-Campus suspension (CA; OUSD)

## 2. Non-Removal Actions

1. Restorative justice practices, such as circles of support and accountability (OUSD)
2. Saturday school (OUSD)
3. Peer accountability systems, such as McCullum Youth Court (OUSD)
4. Conflict resolution/peer mediation programs (OUSD)
5. Community service activities (CA; OUSD)
6. Behavioral contracts (OUSD)
7. Home visits and/or conferences with family members (OUSD;
8. Loss of privilege (such as recess) (OUSD)
9. Changes in schedule (OUSD)
10. Anger management (CA)
11. Progressive discipline (CA)
12. Referral to helping professionals (CA; OUSD)
13. Detention (CA)
14. Study teams, guidance teams, resource panel teams, or other assessment-related teams (CA; OUSD)

As noted in the prior section, both the Education Code and OUSD policy anticipate the use of alternatives to suspension. The Education Code provides that:

**48900.** (v) A superintendent of the school district or principal may use his or her discretion to provide alternatives to suspension or expulsion, including, but not limited to, counseling and an anger management program, for a pupil subject to discipline under this section.

(w) It is the intent of the Legislature that alternatives to suspension or expulsion be imposed against a pupil who is truant, tardy, or otherwise absent from school activities.

**48900.6.** As part of or instead of disciplinary action prescribed by this article, the principal of a school, the principal's designee, the superintendent of schools or the governing board may require a pupil to perform community service on school grounds or, with written permission of the parent or guardian of the

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<sup>17</sup> CA=California Education Code

<sup>18</sup> OUSD=OUSD Board Policy

pupil, off school grounds, during the pupil's nonschool hours. For the purposes of this section, "community service" may include, but is not limited to, work performed in the community or on school grounds in the areas of outdoor beautification, community or campus betterment, and teacher, peer, or youth assistance programs. This section does not apply if a pupil has been suspended, pending expulsion, pursuant to Section 48915. However, this section applies if the recommended expulsion is not implemented or is, itself, suspended by stipulation or other administrative action.

### C. What are the Education Code provisions for schools with high suspension rates?

The Education Code requires supervised suspension programs for schools with suspension rates exceeding 30%.

The Education Code contains a provision related to intervention for schools imposing a high rate of suspensions.

Section 48911.2 provides as follows:

(a) If the number of pupils suspended from school during the prior school year ***exceeded 30 percent*** of the school's enrollment, the school should consider doing

at least one of the following:

1. Implement the supervised suspension program described in Section 48911.1
  2. Implement an alternative to the school's off-campus suspension program, which involves a progressive discipline approach that occurs during the school day on campus, using any of the following activities:
    - A. Conferences between the school staff, parents, and pupils.
    - B. Referral to the school counselor, psychologist, child welfare attendance personnel, or other school support service staff.
    - C. Detention.
    - D. Study teams, guidance teams, resource panel teams, or other assessment-related teams.
- (b) At the end of the academic year, the school may report to the district superintendent in charge of school support services or other comparable administrator if that position does not exist, on the rate of reduction in the school's off-campus suspensions and the plan or activities used to comply with subdivision (a).
- (c) It is the intent of the Legislature to encourage schools that choose to implement this section to examine alternatives to off-campus suspensions that lead to resolution of pupil misconduct without sending pupils off campus. Schools that use this section should not be precluded from suspending pupils to an off-campus site.

We interpreted the Education code section's standard of 30% to mean students suspended once or more times during the year, or the unduplicated count, which is the usual method of calculating rates. In reviewing suspension data for all district schools for the 2010-2011 school year, we found that only 6 schools had suspension rates of 30% or more, invoking the consideration of a supervised suspension program (See Table 8). However, when we applied the 30% standard to African American male student suspension rates, we found a total of 16 schools which exceeded the 30% suspension rate for African American males (See Table 9).

7 schools in OUSD had suspension rates over 30%, 17 had suspension rates of **African American boys** over 30%.

| <b>OUSD SCHOOLS WITH 30%+ ALL STUDENT SUSPENSION RATE IN 2010-11</b> | <b>Percentage of AAM Suspended Once or More/AAM Population</b> | <b>Percentage of Students Suspended Once or More/Total Student Population</b> |
|--|--|---|
| 1. Barack Obama Academy  | 85%  | 89%   |
| 2. Business Information Tech HS                                      | 51%  | 31%   |
| 3. Claremont Middle School   | 49%  | 30%   |
| 4. Oakland Community Day HS  | 55%  | 40%   |
| 5. Oakland Community Day Middle                                      | 56%  | 50%   |
| 6. West Oakland Middle School  | 60%  | 44%   |
| 7. Youth Empowerment School (YES)*                                   | 64%  | 42%   |
| <b>District Suspension Rate</b>                                      | <b>18%</b>   | <b>7%</b>   |

\*School now closed.

| <b>OUSD SCHOOLS WITH 30%+ AAM STUDENT SUSPENSION RATE IN 2010-11</b> | <b>Percentage of AAM Suspended Once or More/AAM Population</b> | <b>Percentage of Students Suspended Once or More/Total Student Population</b> |
|--|--|---|
| 1. Alliance Academy  | 55%  | 18%   |
| 2. Barack Obama Academy  | 85%  | 89%   |
| 3. Business Information Tech HS                                      | 51%  | 31%   |
| 4. Claremont Middle School   | 49%  | 30%   |
| 5. Coliseum College Prep   | 35%  | 15%   |
| 6. Frick Middle School   | 37%  | 24%   |
| 7. Lafayette Elementary  | 35%  | 17%   |
| 8. Manzanita Community School  | 34%  | 9%  |

| <b>OUSD SCHOOLS WITH 30%+ AAM STUDENT SUSPENSION RATE IN 2010-11</b> | <b>Percentage of AAM Suspended Once or More/AAM Population</b> | <b>Percentage of Students Suspended Once or More/Total Student Population</b> |
|--|--|---|
| 9. Oakland Community Day HS  | 55%  | 40%   |
| 10. Oakland Community Day Middle                                     | 56%  | 50%   |
| 11. Roosevelt Middle School  | 45%  | 15%   |
| 12. Roots International Academy                                      | 31%  | 23%   |
| 13. United For Success   | 44%  | 17%   |
| 14. Urban Promise Academy  | 55%  | 15%   |
| 15. West Oakland Middle School                                       | 60%  | 44%   |
| 16. Westlake Middle School   | 33%  | 17%   |
| 17. Youth Empowerment School (YES)*                                  | 64%  | 42%   |
| <b>District Suspension Rate</b>                                      | <b>18%</b>   | <b>7%</b>   |

\*School now closed.

## **D. What are current OUSD policies addressing disparities in suspensions for African American males?**

### **Significant OUSD Policies on Disciplinary Actions**

In reviewing OUSD discipline policies, we found three provisions which were noteworthy in the context of disparities in suspensions for African American males, including the Board statement of zero tolerance, the Board resolution on restorative justice and the provision for site level rules.

#### **1. Zero Tolerance**

One suspected source of racial disparities in suspensions for African American males in some districts is the “zero tolerance” policies which require the imposition of removal sanctions (suspension and expulsion) any time there is a finding that a student has committed specified offenses. In fact, under the Education Code:

(c) The principal or superintendent of schools shall immediately suspend, pursuant to Section 48911, and shall recommend expulsion of a pupil that he or she determines has committed any of the following acts at school or at a school activity off school grounds:

(1) Possessing, selling, or otherwise furnishing a firearm. This subdivision does not apply to an act of possessing a firearm if the pupil had obtained prior written permission to possess the firearm

from a certificated school employee, which is concurred in by the principal or the designee of the principal. This subdivision applies to an act of possessing a firearm only if the possession is verified by an employee of a school district.

(2) Brandishing a knife at another person.

(3) Unlawfully selling a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(4) Committing or attempting to commit a sexual assault as defined in subdivision (n) of Section 48900 or committing a sexual battery as defined in subdivision (n) of Section 48900.

(5) Possession of an explosive.

(d) The governing board shall order a pupil expelled upon finding that the pupil committed an act listed in subdivision (c), and shall refer that pupil to a program of study that meets all of the following conditions:

(1) Is appropriately prepared to accommodate pupils who exhibit discipline problems.

(2) Is not provided at a comprehensive middle, junior, or senior high school, or at any elementary school.

(3) Is not housed at the school site attended by the pupil at the time of suspension.

However, OUSD has issued a statement of non-support for zero tolerance policies. In Section 5144.1, The Board adopted the following statement:

The Board does not support a zero tolerance approach. The Board shall provide for the fair and equitable treatment of students facing suspension and expulsion by affording them their due process rights under the law. The Superintendent or designee shall comply with procedures for notices and appeals as specified in administrative regulation and law. (Education Code 48911, 48915, 48915.5) (cf. 5119 - Students Expelled from Other Districts) (cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

We think that the Board policy of non-support of zero tolerance policies is a sound position educationally and behaviorally.

## **2. Restorative Justice**

During the 2009-10 school year, the OUSD Board of Education adopted a resolution to launch a three-year restorative justice initiative to reorient disciplinary policies and practices within the district. This resolution reads:

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Education hereby launches a District-wide three-year Restorative Justice Initiative to include professional development of administrators and school site staff redesign of District discipline structures and practices and promote alternatives to suspension at every school, in partnership with local law enforcement, Alameda County Probation Department, and the State Disproportionate Minority Contact Office to promote a District-wide “Culture of Caring” serving the whole child which promotes both social-emotional and intellectual development, meaningful inclusion of students, parents, teachers, administrators, and District leadership in efforts to create and sustain a safe and equitable learning environment

The OUSD website defines Restorative Justice as follows:

Restorative Justice is a set of principles and practices employed in OUSD to respond to student misconduct, with the goals of repairing harm and restoring relationships between those impacted.

[www.ousd.k12.ca.us/restorativejustice](http://www.ousd.k12.ca.us/restorativejustice)

[www.rjoakland.org/restorative-justice](http://www.rjoakland.org/restorative-justice)

Based on our understanding of restorative justice and its application to prevention and intervention in student behavior incidents, we think it forms an important component of an approach to reducing and eliminating disparities in suspensions for African American males in OUSD if it can be directed towards schools with racial disparities in suspension and to the offenses contributing most substantially to those disparities for African American males.

### **3. Site Level Rules**

Administrative Regulation 5144 authorizes the schools to adopt site level rules. It provides that the school “shall solicit the participation, views and advice of one representative selected by each of the following groups: parents/caregivers; teachers; school administrators; school security personnel; and for junior high and high schools, students enrolled in the school.

While the regulation permits broad participation in the input process, it provides that the “final version of the rules shall be adopted by a panel comprised of the principal or designee and a representative selected by classroom teachers employed at the school.”



The regulation goes on to provide that each school shall file a copy of its rules with the Superintendent or his designee and that each school shall review its site level rules at least every four years.

While the regulation sets a good foundation for participation in rule making, it contradicts the participatory nature of rule making by including only administrative and teacher representatives as the sole decision makers regarding site level rules. Additionally, the requirement that rules only be reviewed every four years seems too prolonged a period in order to effectively address strategies and plans for improving student behavior and reducing suspension and disparities.

## E. What are OUSD procedures that may be contributing to the disparity in suspensions for African American males?

### Analysis of Discipline Procedures

#### 1. Classroom Suspensions

Both the Education Code (48910(a)) and OUSD Board policies provide for the referral of a pupil to administrative personnel for conduct for which suspension may be considered. Both sources also provide for the use of a classroom suspension. Distinguishing between a referral for misconduct and a classroom suspension is important in that the Education Code and Board *policies require that:*

1. a classroom suspension be accompanied by the initiating teacher attempting to convene a **parent-student conference** while a referral not involving a classroom suspension does not require such a conference;
2. A pupil subjected to a classroom suspension **may not be returned to the classroom** from which he/she is suspended for the day of the suspension and the day following the suspension **without the agreement of the teacher.**

Section 48910 provides:

- (a) A teacher may suspend any pupil from class, for any of the acts enumerated in Section 48900, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the designee of the principal for appropriate action. If that action requires the continued presence of the pupil at the school site, the pupil shall be under appropriate supervision, as defined in policies and related regulations adopted by the governing board of the school district. As

soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension. If practicable, a school counselor or a school psychologist may attend the conference. A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of the suspension, without the concurrence of the teacher of the class and the principal.

- (b) A pupil suspended from a class shall not be placed in another regular class during the period of suspension. However, if the pupil is assigned to more than one class per day this subdivision shall apply only to other regular classes scheduled at the same time as the class from which the pupil was suspended.
- (c) A teacher may also refer a pupil, for any of the acts enumerated in Section 48900, to the principal or the designee of the principal for consideration of a suspension from the school.

The “**Teacher-Initiated Pupil Suspension Report**” is the form used by a teacher to document a classroom suspension. The form includes (See Appendix E):

1. a place for the teacher to indicate whether the suspension is for the remainder of the school day or extends to the follow day
2. a list of offenses with check boxes
3. a place for the teacher to describe the conduct giving rise to the suspension
4. a section containing information where the teacher acknowledges the obligation to conduct a parent-student conference
5. spaces for the scheduled time of the parent-student conference

Of note in the classroom suspension report is the list of offenses it contains. While the Education Code and Board policy permit a teacher to suspend a student from the classroom for any offense for which suspension is authorized, *the suspension report captures only a partial list of those authorized offenses*. This is of critical importance because it encourages teachers toward these choices.

**REASON FOR SUSPENSION:**

- 1. Continued willful defiance
- 2. Habitual profanity or vulgarity
- 3. Open and persistent defiance of authority
- 4. Assault or battery upon a student
- 5. Continued abuse of school personnel
- 6. Assault or battery upon school personnel

- 7. Any threat of force or violence upon school personnel at any time or place (if related to school activity or attendance)
- 8. Smoking or having tobacco on school property
- 9. Willful cutting, defacing or otherwise injuring in any way any property, real or personal, belonging to the school district

Items 1 and 3 in the listing of offenses include *two different versions of defiance* with the latter offense introducing an element of “open” defiance and both indicating repetition of the behavior in the title of the offense. Despite the fact that the VRP made special efforts to minimize discretionary suspensions based on defiance, teachers are guided toward this as an option for classroom suspensions.

Further, data from classroom suspensions is not tracked by the district, so we do not have a sense for the frequency of offenses, offense types, the frequency of parent conferences or the demographics of students by school, by district, and across time.

## **2. Out of School Suspensions and Due Process**

Both the Education Code and OUSD policy provide the opportunity for a student facing suspension to have a hearing before administrative personnel prior to removal from school unless the administrator determines there is an emergency necessitating immediate removal. The hearing is a critical step in the process of student discipline and is designed to provide an independent assessment of whether the conduct violates school rules and determination of the appropriate disciplinary action. It is also a critical focal point for efforts to reduce or eliminate racial disparities in student suspensions.

Section 48911 of the Education Code (See Appendix G) governs the procedures for suspending a student from school, while Section 48913 addresses homework assignments and make up tests during the period of suspension. Section 48914 covers parent conferences incident to suspension and provides that:

1. The principal or designee conduct informal conference prior to the student’s removal unless there is an emergency (48911(b));
2. The student be provided with an opportunity to hear the evidence against them and to offer their side of the story (48911(b));
3. Whenever practicable the school employee who referred the students should attend the informal conference (48911(b));
4. In cases where an emergency exists which prevents a conference prior to removal, the student and parent should be notified in writing of the right to

an informal conference within two days unless the student waives that right or is physically unable to attend. (48911(c));

5. At the time of suspension, the school make an effort to contact the parent and must notify them of the suspension in writing (48911(d))
6. The teacher may require that the suspended pupil complete assignments and tests missed during suspension (48913)
7. A district may establish a policy requiring a parent conference to discuss the suspension (48914); however, no penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference and reinstatement shall not be contingent upon attendance by the pupil's parent or guardian at the conference. (48911(f))

OUSD policy is consistent with the State Education Code requirements regarding due process hearings (referred to as conferences) for students prior to suspension unless their presence on campus represents a threat to people or property or disruption of the learning environment. Local policy is also consistent with state law regarding parent notification. See Appendix G for the Education Code language for each of these provisions.

## PART IV: RECOMMENDATIONS

In this final section of the report, we present our recommendations to OUSD. In the first sub-section (A) we present our specific recommendations for reducing and/or eliminating the disparities in suspensions for African American males. In the second sub-section (B), we present recommendations for improving the fairness and effectiveness of student discipline generally. Finally, Appendix B contains the recommendations we derived from our literature review.

Before detailing our recommendations to OUSD for reducing and eliminating the disproportionate number of suspensions experienced by African American males, we think it is important to indicate our belief that effective efforts will require a targeted approach. While we have identified aspects of policy that could be improved for the benefit of all OUSD students and would encourage the district to take those actions, universal approaches will not reduce and eliminate the disparities. In fact, there is some evidence that universal approaches may well increase disparities. Consequently, we recommend that the data and analysis compiled for this report be carefully considered for both identifying the universal improvements the district determines to be appropriate, but that any universal actions should be analyzed through the lens of their possible impacts on disparities and adjustments be made in those approaches to insure equitable impact for African American males. Similarly the data and information contained in this report should be used to guide the selection and implementation of targeted approaches to reducing the disparities in suspensions for African American males.

### A. Recommendations for Reducing/Eliminating Suspension Disparities for African American males

#### 1. Voluntary Resolution Plan

- a. ***Review and re-adopt critical elements of the Voluntary Resolution Plan's framework for reducing disparities.*** We begin our recommendations by acknowledging the fact that several of the actions we recommend for reducing and eliminating disparities in suspensions for African American males are consistent with elements of the Voluntary Resolution Plan (VRP). For purpose of disclosure, the Urban Strategies Council CEO served as a consultant to the Office of Civil Rights during the period of the VRP and the basic framework of the OCR reflected his research and approach to reducing racial disparities in discipline.

We strongly encourage OUSD to revisit and adopt the structures and processes recommended in that plan. Of special significance are the VRP recommendations related to establishing more precise standards on corrective actions required

prior to consideration of suspension for defiance-disruption and for profane-vulgar acts, surveying, accumulating and disseminating information on effective corrective actions and documenting and recoding keeping related to prior corrective actions.

## 2. Accountability and Standards

- a. ***Adopt school level and district-wide goals for suspension rates and racial disparities.*** As documented in the data section of this report, schools of similar levels in OUSD have vastly different overall suspension rates and racial disparities for African American males. The district needs to be proactive in establishing standards for rates of suspensions and disparities which provide the basis for site accountability for improving their rates. In other reports we have proposed a district wide standard/goal of a 3% rate of suspension, recognizing that there may be differences by school levels.
  
- b. ***Hold school sites that exceed the standards accountable for developing annual targets and plans for reducing their rates and disparities to district standards.*** The district should establish a process for schools which exceed district and school levels standards for suspension rates and racial disparities to develop annual targets and plans for improving their outcomes to align with district standards. While the State Education Code requires schools with suspension rates exceeding 30% of student enrollment to consider special programming, we recommend that the 30% threshold be lowered and that a local threshold be established regarding African American Male suspension rates and disparities. For example, an interim overall rate threshold could be established at 10% or more, and an African American male rate of 15%. Alternatively, policy could dictate that a particular level of disparity be targeted, for example no more than a 5% difference in suspension rates.

## 3. Process

- a. ***Select some of the proposed Voluntary School Study Teams to focus on reducing suspension disparities for African American males.*** The African American Male Achievement Initiative has proposed a Voluntary School Study Team (VSST) approach as a method of comprehensively addressing the achievement of African American males through a research inquiry and study approach to determining and implementing effective actions. We recommend that in selecting sites for the VSST process, consideration be given to including school

sites that are experiencing comparatively high levels of suspensions and disparities for African American males.

- b. ***Utilize the School Discipline Committees as a vehicle for addressing disparities in suspensions at the site level.*** Administrative Regulation 5144 provides for the convening of a representative body at the school site to develop site level disciplinary rules. We recommend that the body referred to in the regulation be empowered to serve as a site discipline committee with responsibility for developing site level plans for reducing suspensions and disparities for African American males. We recommend that the Board reconsider the Regulation 5144 in two respects: first, make the representative body called for in the regulation the decision making body for site level rules rather than just the administrator and teacher representative; and second, require school sites that exceed standards for overall suspensions and disparities to develop an annual plan for reducing suspension and disparities. We think that this recommendation is consistent with district plans for the implementation of full service community schools and the shared governance and decision making structure called for in the Strategic plan.
- c. ***Create an intervention team to assist schools in identifying and implementing prevention and corrective actions for the focus offenses.*** The district and community have a wealth of expertise that needs to be brought to bear on the problem racial disparities in suspensions. We recommend that the district convene district and community expertise and engage them in developing protocol for working with school sites in assessing local conditions and programs and developing programs and plans for reducing and eliminating racial disparities in suspensions.

#### 4. Policy

- a. ***Develop a student handbook or portions of it which sets forth behavioral rules, expectations, corrective and disciplinary actions and procedures for the focus offenses in language understandable to students and parents.*** While we appreciate the district's approach in borrowing heavily from the State Education Code for its local policies, much of the parent handbook document is not in language appropriate for parents or students. The absence of a code of conduct document is problematic. The district should develop a student code of conduct which sets forth behavioral expectations, prohibited conduct with definitions understandable to students, procedures for addressing incidents of expected

misconduct, including standards and procedures for intervention prior to referral, forms of disciplinary actions including corrective actions prior to suspension and alternatives to suspension, due process and complaint procedures. At a minimum, the district should develop these policy tools for the three focus offenses. The code of conduct should be the subject of annual staff training, classroom instruction for students and parent orientation. School site discipline rules and procedures should be consistent with the district code of conduct.

## 5. Record Keeping and Data Analysis

- a. ***Adapt the district record keeping and reporting system to record the specific conduct leading to suspension for the three offenses contributing most substantially to suspensions for African American males.*** As noted in the analysis of the offenses section above, the Education Code offense classification adopted by the district obscures a clear vision of the types of conduct leading to suspensions of African American males.
- b. ***Require data collection on referrals of students for the target offenses including information on what corrective actions or alternatives to suspension were imposed.*** The district does not currently have the capability to understand how school sites are treating the focus offenses other than in situations in which suspensions are imposed. In order to be effective in taking corrective actions for these offenses, staff need to know what works and does not work in reducing the incidence of this offense. This can be accomplished in part by making sure data is being collected that records what else is being done with these behaviors and how effective these actions are in preventing the re-occurrence of these behaviors among students.
- c. ***Require Reporting of Classroom Suspensions.*** Classroom suspensions represent a significant corrective action short of suspension and, along with other corrective actions and authorized disciplinary actions, should be the subject of regular reporting and analysis. This analysis is important not only for tracking disparities in disciplinary patterns, but also to provide information on which corrective and disciplinary actions may be most effective in preventing out of school suspensions.

## 6. Interventions and Alternatives

- a. ***Implement a process for expanding the array of effective prevention and intervention actions not involving removals.*** As noted in the analysis section of this report, the district has identified an array of disciplinary actions which do



not involve removal of students. As proposed in the VRP, the district should implement ongoing efforts to identify other appropriate preventative and corrective actions and should evaluate their effectiveness.

- b. ***Create a balance in the prevention and intervention strategies and programs that reflects the possible causal explanations for racial disparities in suspensions.*** As noted in our review of the literature, scholars studying racial disparities in discipline offer a variety of reasons to explain the causes of disparities. For an effective intervention strategy, the district and school sites should be analyzing their strategies in light of the causal explanation they imply. There needs to be a balance in the interventions between behavioral differences, treatment differences and structural factors

## 7. Offense Focus

- a. ***Target Offenses Contributing to Disparities.*** As proposed in the VRP, establish a special focus on the target offenses and ensure clear definitions of the offenses, standards and procedures for corrective action prior to referral to administrative personnel, alternatives to suspension and standards for the imposition of suspensions.
- b. ***Align and focus special programs to address the disparities in suspensions for African American males.*** The district has implemented a variety of innovative programs that have the potential to dramatically impact disparities in suspension, including anger management, restorative justice and conflict resolution. However, they need to target suspension disparities and the offenses which lead to them. We recommend that the district convene program managers from these various innovative programs and ask them to assess how their programs are or could specifically address the disparities in suspension for African American males.

## B. General Recommendations for Improving the Fairness and Effectiveness of Student Discipline

In this section of the recommendations, we present general recommendations for improving the fairness and effectiveness of student discipline in the district.

### 1. Setting the Stage with Staff

- a. A “no-fault, collective responsibility” approach to racial disparities in discipline with staff, students, and parents is most effective.
- b. Targeting individual staff members with disparate referrals patterns as “sources” of disparities should be avoided, unless supported by substantial and accurate data.
- c. Be clear on the measures to be used to monitor disparities and communicate them to staff
- d. Communicate to staff that district’s efforts to reduce disparities are not intended to create artificial racial balancing of disciplinary actions

## **2. Data collection and analysis**

- a. Revisions in data collection and analysis should have the dual purposes of meeting needs around addressing disparities and external monitoring as well as long term program management needs of entire staff
- b. Don’t collect data if you don’t use it
  - i. Discipline data reports should provide staff with a clear sense of what offenses and actions contribute most substantially to disparities
  - ii. Share data with staff periodically and use it as a basis for assessment, planning and decision making
  - iii. Systemic recording of referral data and use of it in working with staff is an important strategy for reducing overall level of referrals and disparities
- c. Add section on collection of referral and other disciplinary action data

## **3. Policy Review**

- a. The discipline policy should structure areas of discretion, identify the range of options available, and set the standards for decision making.
- b. The discipline policy should identify the procedures to be used by parents, students or staff if they believe that the policy is not being implemented correctly.

## **4. Standards and Procedures Review**

- a. Define prohibited forms of conduct
- b. Referrals should be guided by clear standards-need to distinguish referrals and classroom suspension
- c. The absence of referral standards results in too many referrals of minor misbehaviors to the office
- d. Policy should clearly identify standards for use by the school in adopting local school policy and administrative procedures in determining when to remove a student

## **5. Strategies/Prevention Programs**

- a. District/school behavior management plans for discipline should be comprehensive and include a mix of prevention, crises management, and remedial strategies and programs
  - i. These plans should be subjected to an analysis focused on how they address issues of disparities.
- b. Student/Youth Development
  - i. In collaboration with local government and community organizations, schools should implement community-based supports, opportunities, and services for all youth and their families as part of a larger integration of youth development services in the community
  - ii. Mentors are effective in providing students with the adult support they need to improve behavior and academic performance
- c. Parent/community involvement
  - i. Engage parents and community as partners with the school in reinforcing standards of appropriate behavior
  - ii. The school should engage community agencies and organizations that focus on youth services
- d. Staff expectations
  - i. School staff need to be realistic about the expectations regarding the time and intensity of effort sometimes required to bring about change in long standing patterns of behavior
  - ii. Students should be given credit for incremental changes/improvements

## **6. Education and Training**

### ***Students:***

- a. The discipline policy should be the focus of student instruction at the beginning of the school year and reinforced periodically throughout the year
- b. The school should provide students instruction in problem solving, anger management, conflict resolution, and violence prevention both as preventative strategy and for students who experience problems with these behaviors.

### ***Parent Education:***

- a. Parents should be given opportunity to attend a discipline policy orientation
- b. Parents should have access to resources which provide support in working through problems of child rearing

### ***Staff Development:***

- a. Staff training should ensure sound understanding of policy and procedures and responsibilities for implementation/compliance with the policy

- b. Ongoing staff development should focus on providing staff with skills and techniques to manage student behavior

#### **7. Leadership and Planning Group**

- a. Responsibility for leadership and planning should be a collaborative effort of the administrative team, the staff, parents, students and the community
- b.

### **C. General Recommendations from the Literature for Reducing Racial Disparities in Suspension**

See Appendix B.

## **PART V: AREAS FOR FUTURE STUDY**

Based on the research and policy analysis we have conducted thus far, we recommend the following foci for future research and analysis.

1. Develop profiles for all schools which include the basic measures contained in this report for use by the school sites as a tool for their self-assessment and planning.
2. Conduct a detailed analysis of the relationships between suspensions, attendance and academic achievement, especially for those African American males who experience multiple suspensions.
3. Conduct an analysis of school level rules and procedures including a focus on schools that are experiencing lower and higher than average rates of suspensions and disparities for African American males.

## APPENDIX A: THEORIES OF CAUSES OF SUSPENSION DISPARITIES FOR AFRICAN AMERICAN MALES

| Structural Differences   | Behavioral Differences  | Treatment Differences  |
|--|---|--|
| <p>a. Low Achievement is associated with higher suspensions</p> <ul style="list-style-type: none"> <li>i. Low literacy achievement is linked to aggression in students<sup>xxxiii</sup></li> <li>ii. Suspensions are associated with low grade point average<sup>xxxiv</sup>.</li> <li>iii. Low performing schools often have teachers teaching basic skills vs. more challenging and relatable mater which leads students to act out from lack of stimulation and interest<sup>xxv</sup></li> <li>iv. Suspensions further hinder achievement creating a negative cycle.</li> </ul> <p>b. Lack of familiarity and comfort with African American culture leads to misinterpretation of behaviors that can lead to suspensions<sup>xxxvi</sup></p> | <p>a. Exposure to violence impacts suspensions</p> <ul style="list-style-type: none"> <li>i. Many violence exposed children suffer from anxiety, irritability, stress, and hyper-vigilance. This leads to negative behaviors in classroom, resulting in increased discipline referrals<sup>xxvii</sup>.</li> <li>ii. Being the victims of violence or witnessing violence increases the chance that a young man or boy of color will also commit violence<sup>xxviii</sup>.</li> <li>iii. Poor African Americans, more so than White Americans, live in neighborhoods of concentrated disadvantage. African Americans are more likely to live in neighborhoods that are isolated from basic services and plagued by higher rates of violence<sup>xxix</sup></li> </ul> <p>b. Students attitudes and behaviors can be impacted by pedagogy of poverty: a double standard where poor children of color are engaged in a passive learning style and teachers maintain the status quo<sup>xxx</sup></p> | <p>a. Research shows that office referral of White students tended to be for causes that were more objectively observable (smoking, vandalism, leaving without permission, obscene language), whereas office referrals for Black students were more subjective (loitering, disrespect, threat, excessive noise)<sup>xxxii</sup></p> <p>b. Disproportionate minority contact in the juvenile justice system is analogous in that expectations and stereotypes of African Americans can lead to disproportionate disciplinary action<sup>xxxii</sup>.</p> <p>c. Research has shown that Black students were referred for corporal punishment for less serious behaviors than were other students<sup>xxxiii</sup>.</p> <p>d. Children who teachers perceive as “not smart” (have a limited vocabulary, aren’t reading yet, read poorly, can’t seem to retain or recall information, exhibit impulsive behavior, etc.) are given more paper and pencil tasks. Class time is devoted to practicing basics rather than the helping students learn new mental routines or processing strategies that we see with high performing students<sup>xxxiv</sup>. This can impact suspensions when students act out from boredom and lack of engagement with curriculum</p> |

## APPENDIX A: THEORIES OF CAUSES OF SUSPENSION DISPARITIES FOR AFRICAN AMERICAN MALES

| Structural Differences | Behavioral Differences | Treatment Differences  |
|------------------------|------------------------|--|
|                        |                        | <ul style="list-style-type: none"><li>e. Social Isolation impacts Suspensions<ul style="list-style-type: none"><li>ii. Some research suggests that Black students feel invisible in schools because they often were not being validated and recognized as participants in the classroom<sup>xxxv</sup></li><li>iii. Some urban teachers are socially isolated from students' lives outside the classroom and can't teach/work/relate with their students</li></ul></li></ul> |

## APPENDIX B: Recommendations from the Literature on Reducing Disparities in Suspensions

### RECOMMENDATIONS/STRATEGIES From the Literature to Address

#### STRUCTURAL CAUSES

##### **Data Collection:**

1. To document racial disparities in discipline, some form of measurement that controls for differences in school and ethnic group enrollment is needed to collect and make available disaggregated information on the rates of suspension and expulsion<sup>xxxvi</sup>
2. Administrators and instructors are more likely to use the data if they personally participated in developing the performance measures and related assessment instruments<sup>xxxvii</sup>.
3. Data collection and program evaluation needs to be consistent to encourage ongoing improvement efforts<sup>xxxviii</sup>.
4. Provide technical assistance to increase the capacity of local educators to use data critically<sup>xxxix</sup>.

##### **Policy:**

1. Utilize school mental health experts (school psychologists, counselors and social workers) to develop a violence prevention curriculum. Family and community involvement is crucial to developing effective school wide discipline practices<sup>xl</sup>.
2. Encourage teachers to bring in their own experiences and knowledge to expand students' learning beyond the textbook curriculum, allowing students to better relate to the material, to be an active participant in their learning, and to engage in meaning dialog with the teacher.
3. Recruit, employ and support racially and linguistically diverse and culturally competent administrative, instructional and support personnel. They should also provide professional development to strengthen employees' knowledge and skills in cultural competence<sup>xli</sup>.
4. Actively encourage, support and expect high academic achievement from all racial groups and remedy practices that lead to African American's under-representation in programs such as talented and gifted and Advanced Placement<sup>xlii</sup>.
5. Adopt and implement alternatives to exclusionary discipline for non-emergency student misconduct<sup>xliii</sup>

##### **Staff Development:**

1. Train staff in interventions that target low levels of inappropriate behavior before they escalate into violence<sup>xliv</sup>.
2. Teachers can be trained to use naturally occurring discipline problems to create school cultures of nonviolence<sup>xlv</sup>
3. Provide support to teachers in the form of cooperative teaching; curriculum review; or classroom aide who can work with specific students<sup>xlvi</sup>
4. Provide training to teachers around six core instructional processes based off of the equity pedagogy concept and adopt as instructional norms: Moving toward independent learning;

## RECOMMENDATIONS/STRATEGIES From the Literature to Address

### STRUCTURAL CAUSES

Instructional conversation or classroom discourse; Information processing (memory retention and retrieval); Reciprocal teaching; meta-cognition and self regulation of learning; cultural competence<sup>xlvi</sup>.

5. School staff and administrators need to understand importance of collection of data. Rather than seeing data as obligatory and limited in value, all staff should understand that various data are potential sources of information on the quality of teaching and learning at a site; trigger school improvement efforts; and useful for assessing teachers' own performances<sup>xlvi</sup>.
6. Staff should focus on helping students learn how to think about the relevance of the information, how to process the information for the greatest retention, and how to connect the information to continually deepen one's own understanding of the subject/topic at hand<sup>xlix</sup>.
7. Develop a set of principles and practices grounded in the values of showing respect, taking responsibility, and strengthening relationships (see the section on Restorative Justice)

#### **Systems Reform:**

1. Large schools can be broken into small schools or teams, or student course loads can be reduced (for example, teachers teach social studies and English as a humanities block, not just English, or just social studies.) to encourage more teachers connected to students<sup>l</sup>.
2. Reserve zero tolerance disciplinary removals for only the most serious and severe of disruptive behaviors, and define those behaviors explicitly<sup>li</sup>.



## RECOMMENDATIONS/STRATEGIES From the Literature to Address

### BEHAVIORAL DIFFERENCES CAUSES

1. Teacher conducted student assessments for unidentified learning difficulties and intervention by a counselor who can explore root causes of problems, refer students to community services, and engage with parents<sup>lii</sup>.
2. Incorporate trauma sensitive approaches to the fabric of school right away.
  - b. Balancing accountability with understanding of traumatic behavior with a combination of proactive behavioral approaches and therapeutic supports<sup>liii</sup>.
  - c. Teaching rules to traumatized children and differentiate between rules and discipline methods that are abusive and those that are in their best interest<sup>liiv</sup>.
  - d. Minimize disruption of education while making school safe for all. The school should be proactive and make every effort to address the behavior issues using positive behavioral supports and behavioral intervention plans<sup>liv</sup>.
  - e. Creating uniform rules and consequences<sup>livi</sup>
  - f. Model respectful, nonviolent relationships<sup>lvii</sup>
  - g. Create programs that help young African American men cope with the trauma from witnessing much higher rates of violence relative to others<sup>lviii</sup>.
3. School staff needs to be realistic about the expectations regarding the time and intensity of effort sometimes required to bring about change in long standing patterns of behavior<sup>lix</sup>.
4. Start a peer mediation program and select peer mediators who are respected; fair; good problem solver; effective communicator; and clearly define issues to be referred to mediation and which will be dealt by staff. All mediations should be arranged by an adult and these sessions will result in written contracts that spell out future expectations<sup>lx</sup>.

## APPENDIX C: Current OUSD Alternatives to Suspensions

OUSD has policies and programs in place intended to reduce racial, ethnic, and any other disparities in school discipline. The parent handbook for the 2011-12 school year refers to the following alternatives to suspension being offered by the district:

### 1. Restorative Justice

Restorative justice is a set of principles and practices grounded in the values of showing respect, taking responsibility, and strengthening relationships<sup>lxi</sup>. Restorative circles and restorative conferences bring affected parties together to discuss the problem or misbehavior and to find a solution or appropriate punishment. Conferences typically include the offender; the victim; relevant members of the school community; parents or guardians of the offender and the victim, if both are students; law enforcement as necessary; and community members invested in the well-being of the offender or victim<sup>lxii</sup>.

#### OUSD Board Resolution<sup>lxiii</sup>

In December, 2009 OUSD passed a resolution to adopt “Restorative Justice Practices” in order to address “the alarming rate of disproportionate minority contact” in the school system. These practices were intended to support and hold accountable students, teachers, administrators, parents, and district leadership to reduce racial, ethnic, and other class disparities in school discipline, especially suspension and expulsion. The resolution committed OUSD to re-align resources to promote a framework of discipline practices that would create and support a cultural shift toward fairness and equity. This framework was intended to increase classroom learning and teaching by minimizing misconduct through classroom management and a supportive, positive school climate.

#### Pilot Program

A three-year comprehensive restorative demonstration program focused on East Oakland School of the Arts, Castlemont Business and Information Technology School, Leadership Preparatory High, and College Park was launched by Restorative Justice for Oakland Youth (RJOY) in the 2010-11 school year, building upon the Cole Middle School pilot project (2005-9). The goals of this project are:

- Reduced violence
- Reduced arrests and suspensions--particularly on students of color;
- Increased family and community engagement; and

- Increased youth accountability and growth.

## **2. Conflict Resolution (Peer Mediation)<sup>lxiv</sup>**

OUSD Conflict Resolution programs provide an opportunity for a representative group of students to use communication and problem solving skills to assist their peers in managing and resolving interpersonal conflict in secondary schools. Peer Mediators are nominated and/or selected by teachers and students because they are perceived as leaders who have good listening skills and who are trusted by their peers. Peer mediation is engaged when students become involved in a non-physical dispute and results in a written agreement that is available for review by program coordinators and/or administrators. Conflicts can be referred to mediation by school administration or staff, peers, or disputing students themselves.

## **3. McCullum Youth Court<sup>lxv</sup>**

The Donald P. McCullum Youth Court is a youth-focused, youth-driven peer court for first-time juvenile offenders in Alameda County. The Oakland Unified School District also suggests this as an alternative to suspension and expulsion in their parents' handbook for 2011-12. Offenders are represented by youth attorneys who have been trained in prosecution and defense; cases are tried by peer juries. Sentences are designed to hold the youth accountable in a meaningful, innovative and rehabilitative manner. The community service component of sentencing is designed to be educational, to build participant confidence, and to increase positive engagement in the community. The staff works closely with the offenders and their families in order to provide the most effective and appropriate services. Youth Court maintains an expansive network of collaborative agencies in order to provide referrals for the diverse needs of our clients.

Youth and parent satisfaction with the services is extremely high (93% and 95% respectively in 2004), and there is also evidence of positive change in developmental assets, attitudes, skills, knowledge, and behaviors based on the reports of youth, parents, and staff. In addition, 67% of youth served who were not in school returned to school by the time they completed the program, and 18% of youth who participated in the youth court in the previous four years reoffended.

#### **4. Second Step<sup>lxvi</sup>**

Oakland Unified School District has adopted the Second Step 3rd edition curriculum as one of their main violence prevention, social-emotional skills based programs. Second Step is a research-based curriculum created by Committee for Children (based in Seattle, WA). Second Step has been shown to not only increase the knowledge of social-emotional skills, but also to promote pro-social attitudes, positive character traits, and improve student behavior in the classroom and the playground. Researcher have also found that eighth grade academic achievement could be predicted by their ability to share, help others, empathize, and cooperate in third grade and that those abilities are better predictors than third grade academic achievement. External district evaluations in OUSD K-5 schools (where the majority of teachers implemented the Second Step curriculum from 2002-2005) showed that suspensions for fighting were reduced by 63%.

#### **5. Other Suspension Alternatives**

- Saturday School
- Community service activities
- Behavioral contracts
- Home visits and/or conferences with family members
- On-campus suspension
- Loss of privileges
- Changes in schedule

APPENDIX D: Table 8-All Suspension Offenses in OUSD Disciplinary Code

Table 9: All Suspension Offenses in OUSD Disciplinary Code

| Oakland Unified School District |                        | Caused/attempted/threatened injury | Committed/attempted sexual assault/battery | Committed sexual harassment | Committed attempted robbery/extortion | Disruption/private property | Drug paraphernalia | Engaged in act of bullying | Firearm/knife/explosive object | Harass/threaten/threaten/ intimidation | Harass/threaten/threaten/ intimidation | Hate violence | Hazing | Knowingly received stolen property | Offered/negotiated controlled substance | Paging/signaling/listering device | Possessed/used/sold controlled substance | Possessed/used tobacco/nicotine | State school/private property | Terroristic threats | Willfully used force or violence |
|---------------------------------|------------------------|------------------------------------|--|-----------------------------|---------------------------------------|-----------------------------|--------------------|----------------------------|--------------------------------|--|--|---------------|--------|------------------------------------|---|-----------------------------------|--|---------------------------------|-------------------------------|---------------------|----------------------------------|
| Elementary School               | African American Males | 4.35%                              | 0.06%                                      | 0.00%                       | 0.63%                                 | 3.41%                       | 0.03%              | 0.50%                      | 0.03%                          | 0.15%                                  | 0.00%                                  | 0.00%         | 0.00%  | 0.72%                              | 0.00%                                   | 0.08%                             | 0.09%                                    | 0.13%                           | 0.25%                         | 0.00%               |                                  |
|                                 | General Population     | 1.11%                              | 0.01%                                      | 0.00%                       | 0.15%                                 | 0.91%                       | 0.07%              | 0.13%                      | 0.01%                          | 0.15%                                  | 0.00%                                  | 0.00%         | 0.00%  | 0.23%                              | 0.00%                                   | 0.01%                             | 0.04%                                    | 0.02%                           | 0.06%                         | 0.01%               |                                  |
| Middle School                   | African American Males | 15.79%                             | 0.34%                                      | 0.07%                       | 1.92%                                 | 16.95%                      | 0.69%              | 1.65%                      | 0.21%                          | 0.14%                                  | 0.14%                                  | 0.07%         | 0.07%  | 4.74%                              | 0.07%                                   | 1.78%                             | 0.82%                                    | 0.07%                           | 1.44%                         | 0.07%               |                                  |
|                                 | General Population     | 6.37%                              | 0.09%                                      | 0.40%                       | 0.77%                                 | 7.86%                       | 0.32%              | 0.77%                      | 0.08%                          | 0.77%                                  | 0.04%                                  | 0.05%         | 0.01%  | 1.75%                              | 0.04%                                   | 1.01%                             | 0.24%                                    | 0.07%                           | 0.60%                         | 0.04%               |                                  |
| High School                     | African American Males | 4.31%                              | 0.00%                                      | 0.17%                       | 0.45%                                 | 13.79%                      | 0.11%              | 0.45%                      | 0.00%                          | 0.23%                                  | 0.00%                                  | 0.00%         | 0.06%  | 2.67%                              | 0.00%                                   | 0.34%                             | 0.00%                                    | 0.23%                           | 0.96%                         | 0.06%               |                                  |
|                                 | General Population     | 2.16%                              | 0.03%                                      | 0.10%                       | 0.27%                                 | 6.61%                       | 0.10%              | 0.22%                      | 0.00%                          | 0.16%                                  | 0.01%                                  | 0.00%         | 0.01%  | 1.12%                              | 0.03%                                   | 1.15%                             | 0.00%                                    | 0.12%                           | 0.33%                         | 0.03%               |                                  |

# APPENDIX E: Teacher-Initiated Pupil Suspension Report Form

F6

## OAKLAND UNIFIED SCHOOL DISTRICT

### TEACHER-INITIATED PUPIL SUSPENSION REPORT

To: SCHOOL PRINCIPAL

(Check one or both)

- The remainder of this school day
- An additional school day

#### REASON FOR SUSPENSION:

- 1. Continued willful disobedience
- 2. Habitual profanity or vulgarity
- 3. Open and persistent defiance of authority
- 4. Assault or battery upon a student
- 5. Continued abuse of school personnel
- 6. Assault or battery upon school personnel
- 7. Any threat of force or violence directed toward school personnel at any time or place (if related to school activity or attendance)
- 8. Smoking or having tobacco on school premises
- 9. Willful cutting, defacing or otherwise injuring in any way any property, real or personal, belonging to the school district

#### DESCRIBE IN DETAIL WHAT HAPPENED TO WARRANT THE SUSPENSION:

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I understand that a suspension letter to the parent will be prepared for my signature and I assume the obligation of meeting the parent and student upon the student's return at :

\_\_\_\_\_ on \_\_\_\_\_, 200\_\_  
(Time) (Date)

\_\_\_\_\_  
(Signature of Teacher)

13-0095-01  
12/5/2006

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## **APPENDIX F: Offenses With Less Than 1% of Suspension**

Offenses excluded from suspension offense analysis because their counts rounded to 0% of African American male suspensions:

1. \*Commit/Attempt sexual assault/battery 48900 (n)
2. \*Committed/Attempted Robbery/Extortion 48900 (e)
3. \*Drug paraphernalia (HSC 11014.5) 48900 (j)
4. \*Harass/threaten/intimidate witness 48900 (o)
5. \*Hate violence per Ed Code 212.5, 48900.3
6. \*Hazing 48900 (q)
7. \*Knowing received stolen property 48900 (l)
8. \*Offered/Negotiated controlled substance 48900 (d)
9. \*Paging/signaling/listening device 48901.5 51512
10. \*Possessed imitation firearm 48900 (m)
11. \*Possessed/used tobacco/nicotine 48900 (h)
12. \*Willfully used force or violence 48900 (a)(2)

## **APPENDIX G: California Education Code Provisions on Student Discipline**

48911. (a) The principal of the school, the principal's designee, or the superintendent of schools may suspend a pupil from the school for any of the reasons enumerated in Section 48900, and pursuant to Section 48900.5, for no more than five consecutive schooldays.

(b) Suspension by the principal, the principal's designee, or the superintendent of schools shall be preceded by an informal conference conducted by the principal or the principal's designee or the superintendent of schools between the pupil and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the superintendent of schools. At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense.

(c) A principal, the principal's designee, or the superintendent of schools may suspend a pupil without affording the pupil an opportunity for a conference only if the principal, the principal's designee, or the superintendent of schools determines that an emergency situation exists. "Emergency situation," as used in this article, means a situation determined by the principal, the principal's designee, or the superintendent of schools to constitute a clear and present danger to the life, safety, or health of pupils or school personnel. If a pupil is suspended without a conference prior to suspension, both the parent and the pupil shall be notified of the pupil's right to a conference and the pupil's right to return to school for the purpose of a conference. The conference shall be held within two schooldays, unless the pupil waives this right or is physically unable to attend for any reason, including, but not limited to, incarceration or hospitalization. The conference shall then be held as soon as the pupil is physically able to return to school for the conference.

(d) At the time of suspension, a school employee shall make a reasonable effort to contact the pupil's parent or guardian in person or by telephone. Whenever a pupil is suspended from school, the parent or guardian shall be notified in writing of the suspension.

(e) A school employee shall report the suspension of the pupil, including the cause therefore, to the governing board of the school district or to the school district superintendent in accordance with the regulations of the governing board.

(f) The parent or guardian of any pupil shall respond without delay to any request from school officials to attend a conference regarding his or her child's behavior. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials. Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.



(g) In a case where expulsion from any school or suspension for the balance of the semester from continuation school is being processed by the governing board, the school district superintendent or other person designated by the superintendent in writing may extend the suspension until the governing board has rendered a decision in the action. However, an extension may be granted only if the school district superintendent or the superintendent's designee has determined, following a meeting in which the pupil and the pupil's parent or guardian are invited to participate, that the presence of the pupil at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. If the pupil or the pupil's parent or guardian has requested a meeting to challenge the original suspension pursuant to Section 48914, the purpose of the meeting shall be to decide upon the extension of the suspension order under this section and may be held in conjunction with the initial meeting on the merits of the suspension.

(h) For the purposes of this section, a "principal's designee" is any one or more administrators at the school site specifically designated by the principal, in writing, to assist with disciplinary procedures. In the event that there is not an administrator in addition to the principal at the school site, a certificated person at the school site may be specifically designated by the principal, in writing, as a "principal's designee," to assist with disciplinary procedures. The principal may designate only one person at a time as the principal's primary designee for the school year. An additional person meeting the requirements of this subdivision may be designated by the principal, in writing, to act for the purposes of this article when both the principal and the principal's primary designee are absent from the school site. The name of the person, and the names of any person or persons designated as "principal's designee," shall be on file in the principal's office. This section is not an exception to, nor does it place any limitation on, Section 48903.

48911.5. The site principal of a contracting nonpublic, nonsectarian school providing services to individuals with exceptional needs under Sections 56365 and 56366, shall have the same duties and responsibilities with respect to the suspension of pupils with previously identified exceptional needs prescribed for the suspension of pupils under Section 48911.

48913. The teacher of any class from which a pupil is suspended may require the suspended pupil to complete any assignments and tests missed during the suspension.

48914. Each school district is authorized to establish a policy that permits school officials to conduct a meeting with the parent or guardian of a

suspended pupil to discuss the causes, the duration, the school policy involved, and other matters pertinent to the suspension.

48911. (a) The principal of the school, the principal's designee, or the superintendent of schools may suspend a pupil from the school for any of the reasons enumerated in Section 48900, and pursuant to Section 48900.5, for no more than five consecutive schooldays.

(b) Suspension by the principal, the principal's designee, or the superintendent of schools shall be preceded by an informal conference conducted by the principal or the principal's designee or the superintendent of schools between the pupil and, whenever practicable, the teacher, supervisor, or school employee who referred the pupil to the principal, the principal's designee, or the superintendent of schools. At the conference, the pupil shall be informed of the reason for the disciplinary action and the evidence against him or her and shall be given the opportunity to present his or her version and evidence in his or her defense.

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(f) The parent or guardian of any pupil shall respond without delay to any request from school officials to attend a conference regarding his or her child's behavior. No penalties may be imposed on a pupil for failure of the pupil's parent or guardian to attend a conference with school officials.

Reinstatement of the suspended pupil shall not be contingent upon attendance by the pupil's parent or guardian at the conference.

(g) In a case where expulsion from any school or suspension for the balance of the semester from continuation school is being processed by the governing board, the school district superintendent or other person designated by the superintendent in writing may extend the suspension until the governing board has rendered a decision in the action. However, an extension may be granted only if the school district superintendent or the superintendent's designee has determined, following a meeting in which the pupil and the pupil's parent or guardian are invited to participate, that the presence of the pupil at the school or in an alternative school placement would cause a danger to persons or property or a threat of disrupting the instructional process. If the pupil or the pupil's parent or guardian has requested a meeting to challenge the original suspension pursuant to Section 48914, the purpose of the meeting shall be to decide upon the extension of the suspension order under this section and may be held in conjunction with the initial meeting on the merits of the suspension.

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suspended pupil to discuss the causes, the duration, the school policy involved, and other matters pertinent to the suspension.

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- <sup>xlvi</sup> Wheelock. Interview. [http://www.educationworld.com/a\\_issues/chat/chat082.shtml](http://www.educationworld.com/a_issues/chat/chat082.shtml)
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- <sup>lxiii</sup> For more information on Restorative Justice principals and practices employed in OUSD, please see:  
<http://publicportal.ousd.k12.ca.us/19941071414514550/site/default.asp>

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<sup>lxiv</sup> For more information on OUSD Conflict Resolution Program, see <http://publicportal.ousd.k12.ca.us/199410121818415570/blank/browse.asp?a=383&BMDRN=2000&BCOB=0&c=57124>

<sup>lxv</sup> The mission of McCullum Youth Court is to offer youth offenders a second chance through restorative justice, peer accountability, and youth empowerment. For more information, please visit their website:

<http://www.youthcourt.org/> For additional information on Measure K (an amendment to the City Charter that support direct services to youth under 21 years of age), please see <http://www.ofcy.org/>

<sup>lxvi</sup> OUSD adopted the Second Step-3rd edition curriculum as their main violence prevention, social-emotional skills based program. For additional information, please see their website here:

<http://publicportal.ousd.k12.ca.us/199410121818415570/blank/browse.asp?a=383&BMDRN=2000&BCOB=0&c=57251>